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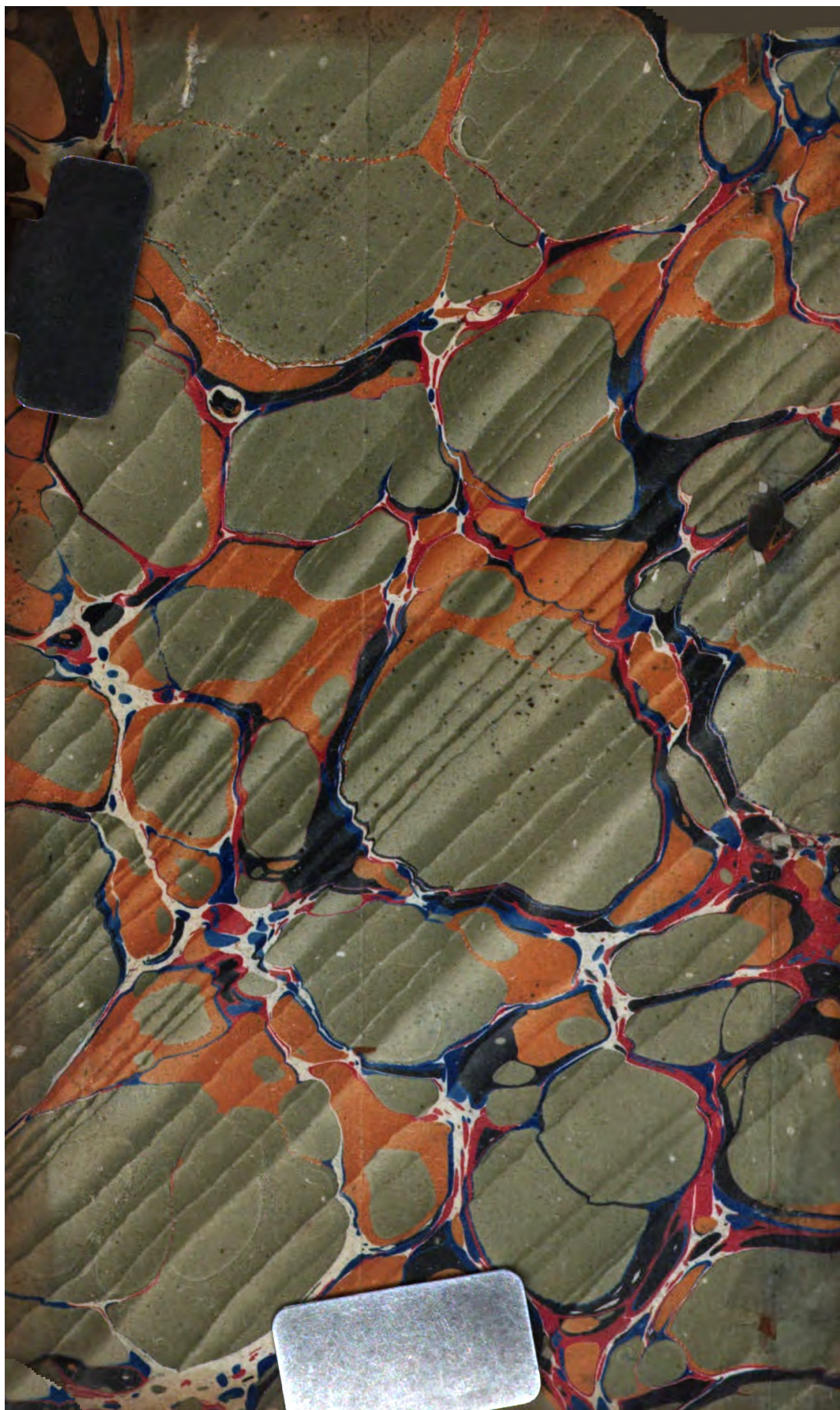
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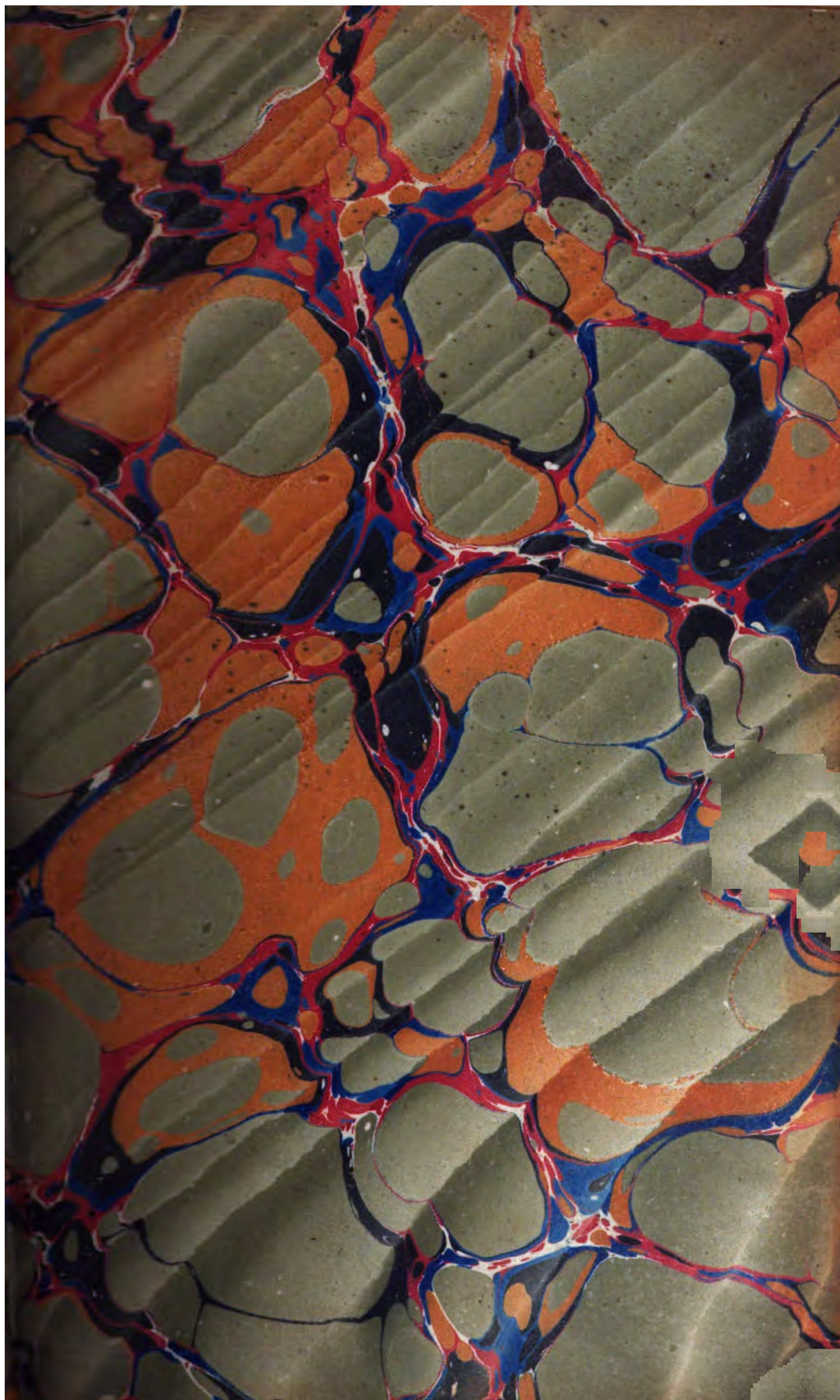
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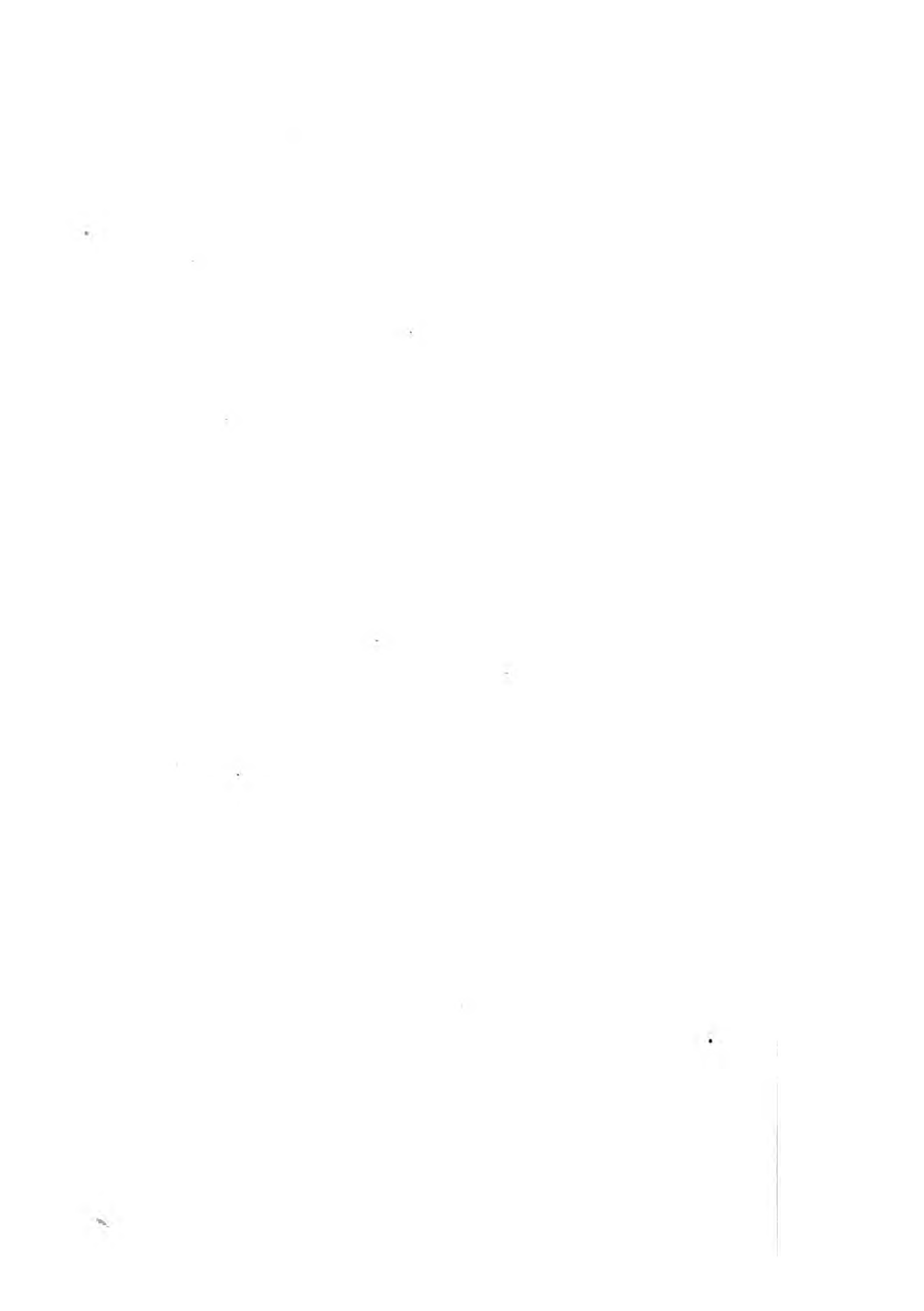
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The Right Honble C. W. Wynn
H. H. H.

BRITISH AND FOREIGN

STATE PAPERS.

1819,—1820.

**COMPILED BY THE LIBRARIAN AND KEEPER OF THE PAPERS,
FOREIGN OFFICE.**

LONDON:
JAMES RIDGWAY, PICCADILLY.

1834.

ADVERTISEMENT.

This Publication is intended to comprize the principal Documents which have been made public, relating to the Political and Commercial Affairs of Nations, and to their Relations with each other, from the termination of the War in 1814 to the latest Period.

The Work has until lately been printed, exclusively for the use of the Government, and of its Diplomatic Agents Abroad. But the general interest attached to these Collections has led to its Publication.

The Volumes already published FOR SALE are those for 1828—1829; 1829—1830; and 1830—1831. The intermediate Volumes between the present Volume for 1819—1820, and that for 1828—1829, will be reprinted for the same purpose.

The present Volume will form Vol. VII of the Series.



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BRITISH AND FOREIGN

State Papers.



SPEECH of the Lords Commissioners, on the Closing of the British Parliament.—28th February, 1820.

My Lords and Gentlemen,

WE are commanded by His Majesty to inform you, that it is a great disappointment to His Majesty, that on this first and solemn occasion, he is prevented by indisposition from meeting you in person.

It would have been a consolation to His Majesty to give utterance in this place to those feelings with which His Majesty and the Nation alike deplore the loss of a Sovereign, the common Father of all his People.

The King commands us to inform you, that in determining to call, without delay, the new Parliament, His Majesty has been influenced by the consideration of what is most expedient for public business, as well as most conducive to general convenience.

Gentlemen of the House of Commons,

We are directed by His Majesty to thank you for the provision which you have made for the several Branches of the Public Service, from the commencement of the present Year, and during the interval which must elapse before a new Parliament can be assembled.

My Lords and Gentlemen,

We are commanded to inform you, that in taking leave of the present Parliament, His Majesty cannot refrain from conveying to you his warmest assurances of the sense which His Majesty entertains of the important services which you have rendered the Country.

Deeply as His Majesty lamented that designs and practices, such as those which you have been recently called upon to repress, should have existed in this free and happy Country, he cannot sufficiently commend the prudence and firmness with which you directed your attention to the means of counteracting them.

If any doubt had remained as to the nature of those principles by which the peace and happiness of the Nation were so seriously menaced,

[1819—20.]

or of the excesses to which they were likely to lead, the flagrant and sanguinary Conspiracy which has lately been detected, must open the eyes of the most incredulous, and must vindicate to the whole world the justice and expediency of those measures to which you judged it necessary to resort, in defence of the Laws and Constitution of the Kingdom.

SPEECH of the King of Great Britain, on the Opening of Parliament.—27th April, 1820.

My Lords and Gentlemen,

I HAVE taken the earliest occasion of assembling you here, after having recurred to the sense of my People.

In meeting you personally for the first time since the death of my beloved Father, I am anxious to assure you that I shall always continue to imitate his great example, in unceasing attention to the public interests, and in paternal solicitude for the welfare and happiness of all classes of my Subjects.

I have received from Foreign Powers renewed assurances of their friendly disposition, and of their earnest desire to cultivate with me the relations of peace and amity.

Gentlemen of the House of Commons,

The Estimates for the present Year will be laid before you.

They have been framed upon principles of strict economy; but it is to me a matter of the deepest regret that the state of the Country has not allowed me to dispense with those additions to our Military Force which I announced at the commencement of the last Session of Parliament.

The first object to which your attention will be directed, is the provision to be made for the support of the Civil Government, and of the honour and dignity of the Crown.

I leave entirely at your disposal my interest in the Hereditary Revenues; and I cannot deny myself the gratification of declaring, that so far from desiring any arrangement which might lead to the imposition of new burthens upon my People, or even might diminish, on my account, the amount of the reductions incident to my accession to the Throne, I can have no wish, under circumstances like the present, that any addition whatever should be made to the settlement adopted by Parliament in the year 1816.

My Lords and Gentlemen,

Deeply as I regret that the machinations and designs of the disaffected should have led, in some parts of the Country, to acts of

open violence and insurrection, I cannot but express my satisfaction at the promptitude with which those attempts have been suppressed, by the vigilance and activity of the Magistrates, and by the zealous co-operation of all those of my Subjects whose exertions have been called forth to support the authority of the Laws.

The wisdom and firmness manifested by the late Parliament, and the due execution of the Laws, have greatly contributed to restore confidence throughout the Kingdom, and to discountenance those principles of sedition and irreligion which had been disseminated with such malignant perseverance, and had poisoned the minds of the ignorant and unwary.

I rely upon the continued support of Parliament in my determination to maintain, by all the means entrusted to my hands, the public safety and tranquillity.

Deploing, as we all must, the distress which still unhappily prevails among many of the labouring classes of the Community, and anxiously looking forward to its removal or mitigation, it is in the mean time our common duty, effectually to protect the loyal, the peaceable, and the industrious, against those practices of turbulence and intimidation, by which the period of relief can only be deferred, and by which the pressure of the distress has been incalculably aggravated.

I trust that an awakened sense of the dangers which they have incurred, and of the arts which have been employed to seduce them, will bring back by far the greater part of those who have been unhappily led astray, and will revive in them that spirit of loyalty, that due submission to the Laws, and that attachment to the Constitution, which subsist unabated in the hearts of the great body of the People, and which, under the blessing of Divine Providence, have secured to the British Nation the enjoyment of a larger share of practical freedom, as well as of prosperity and happiness, than have fallen to the lot of any Nation in the World.

RÉCÈS GÉNÉRAL de la Commission Territoriale rassemblée à Francfort, conclu le 20 Juillet, 1819, entre les Cours d'Autriche, de la Grande Bretagne, de Prusse, et de Russie.

AU NOM DE LA TRÈS SAINTE ET INDIVISIBLE TRINITÉ.

L'ACTE du Congrès de Vienne du 9 Juin, 1815, et le Traité de Paris du 20 Novembre de la même Année, renfermant des dispositions qui exigeoient des Négociations et des Arrangemens ultérieurs et définitifs, Leurs Majestés Impériales et Royales Le Roi du Royaume Uni

de la Grande Bretagne et d'Irlande, L'Empereur d'Autriche, Roi de Hongrie et de Bohême, Le Roi de Prusse, et l'Empereur de toutes les Russies, Roi de Pologne, ont nommé des Plénipotentiaires pour en remplir l'objet. Voulant aujourd'hui comprendre, dans une Transaction commune, les résultats des différentes Négociations qui ont eu lieu à cet égard, pour les revêtir des Ratifications nécessaires, Elles ont autorisé leurs Plénipotentiaires à réunir dans un Instrument Général, toutes les Stipulations particulières, et à joindre à cet Acte, qui portera le Titre de *Récès Général de la Commission Territoriale rassemblée à Francfort*, toutes les Conventions qui s'y rapportent.

En conséquence, les Plénipotentiaires respectifs, savoir : de la part de Sa Majesté Le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, le Très Honorable Richard le Poer Trench, Comte de Clancarty, Vicomte Dunlo, Baron Kilconnel, Baron Trench de Garbally du Royaume Uni de la Grande Bretagne et d'Irlande, Conseiller de Sa Majesté Britannique en Son Conseil Privé de la Grande Bretagne et aussi d'Irlande, Membre du Comité du Premier pour les Affaires de Commerce et des Colonies, Colonel du Régiment de Milice du Comté de Galway, Ambassadeur Extraordinaire et Plénipotentiaire de Sa dite Majesté auprès de Sa Majesté le Roi des Pays Bas, et Chevalier Grand'-Croix du Très Honorable Ordre du Bain ;

De celle de Sa Majesté l'Empereur d'Autriche, Roi de Hongrie et de Bohême, le Sieur Jean Philippe Baron de Wessenberg, Grand'-Croix de l'Ordre Royal de Saint Etienne, Chevalier Grand'-Croix de l'Ordre Militaire et Religieux des Saints Maurice et Lazare, de l'Ordre de l'Aigle Rouge de Prusse, de celui de la Couronne de Bavière, de Saint Joseph de Toscane, de l'Ordre Constantinien de Parme, de la Fidélité de Bade, du Lion d'Or de Hesse, Chambellan et Conseiller intime actuel de Sa dite Majesté Impériale et Royale Apostolique ;

De celle de Sa Majesté Le Roi de Prusse, le Sieur Charles Guillaume Baron de Humboldt, son Ministre d'Etat, Chambellan, Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté Britannique, Chevalier du Grand Ordre de l'Aigle Rouge, et de celui de la Croix de Fer de Prusse de la Première Classe, Grand'-Croix des Ordres de Léopold d'Autriche, de Sainte Anne de Russie, du Danebrog de Danemark, du Lion Belgique des Pays Bas, de la Couronne de Bavière, de la Fidélité de Bade, et du Faucon Blanc de Saxe Weimar ;

De celle de Sa Majesté l'Empereur de toutes les Russies, Roi de Pologne, le Sieur Jean d'Anstett, son Conseiller Privé, Envoyé Extraordinaire et Ministre Plénipotentiaire près la Sérénissime Confédération Germanique, Chevalier de l'Ordre de Saint Alexandre Newski, Grand'-Croix de celui de Saint Wladimir de la 2^e Classe, de la 1^{ère} de ceux de Sainte Anne, de Léopold d'Autriche, de l'Aigle Rouge de Prusse, de l'Etoile Polaire de Suède, de la Couronne de Bavière, de la

Couronne de Wurtemberg, de la Fidélité et du Lion de Zähringen de Bade, Chevalier de l'Ordre de Saint Jean de Jérusalem ;—après avoir vérifié entre eux leurs Pleins-pouvoirs, trouvés en bonne et due forme, sont convenus de recevoir dans le présent Instrument Général et Définitif, et de munir de leurs Signatures, les Articles suivans :

ART. I. Sa Majesté Impériale et Royale Apostolique, pour Elle, ses Héritiers et Successeurs, possédera en toute propriété et souveraineté, les Pays suivans rétrocédés par Sa Majesté Le Roi de Bavière, en vertu du Traité signé à Munic le 14^e Avril, 1816, lequel est annexé au présent Traité Général, (*Annexe No. XI.*) savoir :

1^o. L'Innviertel et les parties du Hausruckviertel, tels que ces Pays ont été cédés par l'Autriche en 1809.

2^o. Le Duché de Salzbourg, tel qu'il a été possédé par l'Autriche en 1809, à l'exception des Bailliages de Waging, Tittmaning, Teisendorf, et Laufen, en tant qu'ils sont situés sur la Rive gauche de la Salzach et de la Saale ; ces Bailliages, tels qu'ils viennent d'être désignés, resteront à la Bavière.

3^o. Le Bailliage Tyrolien de Vils.

II. En retour des rétrocessions désignées dans l'Article I. du présent Traité Général, Sa Majesté Le Roi de Bavière, pour Lui, ses Héritiers et Successeurs, possédera, en toute propriété et souveraineté, les Pays suivans, cédés par Sa Majesté Impériale et Royale Apostolique, savoir :

1^o. Sur la Rive droite du Rhin.

A. Les Bailliages ci-devant Fuldois de Hammelbourg, y compris Tulba et Salek de Brückenau avec Motten, celui de Weibers, à l'exception des Villages de Melters et Hattenrodt, lequel Bailliage ayant appartenu, d'après l'Article XL de l'Acte du Congrès de Vienne, à la Prusse, a été échangé contre celui de Saalmünster, Uerzel, Sannerz et le Hutten'sche-Grund, qui ont passé à la Hesse Electorale, ainsi que la Partie du Bailliage de Bieberstein qui renferme les Villages de Batten, Brand, Dietges, Fiudlos, Liebhardt, Melperz, Oberbernhardt, avec les Hameaux de Steinbach, Saiffert et Thaiden.

B. Le Bailliage de Redwitz enclavé dans les Etats Bavaois, et cédé par Sa Majesté Impériale et Royale Apostolique.

C. La Partie du Bailliage de Wertheim, située au Nord de la Route de Lengfurth à Wurtzbourg, telle qu'elle a été cédée par Son Altesse Royale Le Grand Duc de Bade, en vertu du Traité du 10 Juillet, 1819, annexé au présent Récès. (*Annexe No. IX.*)

2^o. A la Rive gauche du Rhin.

A. Du ci-devant Département du Mont Tonnerre.

1^o. Les Arrondissemens de Deux-Ponts, de Kaiserslautern et de Spire ; ce dernier à l'exception des Cantons de Worms et de Pfeddersheim.

2^o. Le Canton de Kirchheim-Poland dans l'Arrondissement d'Alzey.

B. Du ci-devant Département de la Sarre: Les Cantons de Waldmohr et Bliescastel, celui de Kusel, à l'exception de Schwarzerden, Reichweiler, Pfeffelbach, Ruthweiler, Burglichtenberg, et Thallichtenberg; dans le Canton de St. Wendel, Saale, Niederkirchen, Bubach, Marth, Hoff et Osterbrücken; dans le Canton de Grumbach, Eschenau et St. Julien.

C. Les Cantons de Landau, Bergzabern, et Langenkandel, ainsi que toute la partie du Département du Bas Rhin cédée par la France sur la rive gauche de la Lauter par le Traité de Paris du 20 Novembre, 1815.

Il est entendu que toutes les Communes designées ci-dessus, sont censées être cédées avec leurs Banlieues.

III. La Ville de Landau est déclarée, sous le rapport militaire, une des Forteresses de la Confédération Germanique, sans que cette disposition puisse altérer en rien le droit de souveraineté qui est dévolu à Sa Majesté le Roi de Bavière sur la dite Ville.

IV. Sa Majesté le Roi de Bavière réunira également à sa Monarchie les Bailliages de Miltenberg, Amorbach, Heubach et Alzenau, tels qu'ils ont été cédés par suite des Négociations de la Commission Territoriale de Francfort par Son Altesse Royale le Grand Duc de Hesse, en vertu du Traité du 30 Juin, 1816; lequel est annexé au présent Récès. (*Annexe No. II.*)

V. La Ligne de Démarcation entre les Etats Bavaois sur la rive gauche du Rhin et la France, suit les Limites qui, d'après le Traité de Paris du 20 Novembre, 1815, séparent l'Allemagne des Départemens de la Moselle et du Bas Rhin jusqu'à la Lauter, qui sert ensuite de Frontière jusqu'à son embouchure dans le Rhin.

Toutefois la Ville de Weissenbourg, traversée par cette Rivière, reste toute entière à la France, avec un rayon sur la rive gauche qui ne peut pas excéder 1,000 toises.

VI. Il sera établi une route militaire dans la direction de Wurzburg vers les Provinces Bavaoises sur la rive gauche du Rhin, à travers les Etats de Son Altesse Royale le Grand Duc de Bade.

Elle sera tracée de manière à être aussi peu onéreuse que possible au Grand Duché, et les arrangemens à faire à cet égard sont réservés à une Convention Particulière entre Sa Majesté le Roi de Bavière et Son Altesse Royale le Grand Duc de Bade.

VII. Les Stipulations, Cessions, Rétrocessions, Conditions et Clauses, portées au Traité de Munic du 14 Avril, 1816, ayant été ratifiées, et les Ratifications ayant été confirmées par la prise de possession et la paisible jouissance des Pays acquis ou échangés, à l'exception de la partie du Bailliage de Wertheim, désigné dans l'Article II du présent Récès, qui dépendoit de la Négociation commise à

la Commission de Francfort, les Articles qui composent ce Traité ont été annexés au présent Récès.

L'Article IV du dit Traité a dû motiver une détermination particulière. Il est de la teneur suivante :

“ La contiguité des Acquisitions que fait la Bavière, en échange des Rétrocessions sus-mentionnées, étant une Stipulation du Traité de Ried* (1813) Sa Majesté l'Empereur d'Autriche reconnoit le droit de Sa Majesté le Roi de Bavière à une Indemnité pour le désistement du principe de contiguité.

“ Cette Indemnité sera fixée à Francfort, en même tems, et de la même manière, que les autres arrangemens territoriaux de l'Allemagne.

“ A cet effet Sa Majesté l'Empereur d'Autriche s'engage à donner à Sa Majesté le Roi de Bavière un dédommagement, qui a été réglé de gré-à-gré jusqu'à l'époque du résultat efficace de la Négociation de Francfort, et que la Bavière ait pu être mise en possession de l'Indemnité pour la renonciation à la contiguité.”

Les Négociations de Francfort ont eu en conséquence pour objet de réaliser en faveur de la Bavière un dédommagement pour son désistement de la contiguité de ses Possessions. Mais l'Indemnité obtenue à la suite de ces Négociations ayant été rejetée par la Bavière, quoiqu'elle fût un juste équivalent de l'objet donné,—les Hautes Parties Contractantes se considèrent comme entièrement libérées envers la Bavière, attendu que les engagements pris envers cette Cour n'ont jamais été que conditionnels, et qu'ils ont reçu de leur part tout l'accomplissement dont ils étoient susceptibles.

En conséquence, l'Article IV précité, et par suite du même principe, les Articles Additionnels qui pourraient avoir été annexés au dit Traité de Munic, cessent d'être obligatoires, et ne pourront plus l'être dans aucun cas, ni à aucune époque, dans aucune relation ou corrélation, pour ou contre une Partie quelconque, l'état de possession, tel qu'il ressort du présent Récès, étant formellement reconnu par les Parties Contractantes.

Sa Majesté Impériale et Royale Apostolique change toutefois en une Rente perpétuelle en faveur de la Bavière, la Rente conditionnelle et temporaire de 100,000 florins qu'elle lui paye en suite des Négociations qui ont eu lieu à Munic en 1816.

VIII. Sa Majesté Impériale et Royale Apostolique, pour Elle, ses Héritiers et Successeurs, cède à Son Altesse Royale le Grand Duc de Bade, le Comté de Geroldseck, dévolu à l'Autriche en vertu de l'Article LI de l'Acte du Congrès de Vienne du 9 Juin, 1815.

En échange de cette cession, Son Altesse Royale le Grand Duc de Bade met à la disposition de Sa Majesté Impériale et Royale Apos-

* See Martens' Supplement. Vol. 5. Page 612.

tolique, la partie du Bailliage de Wertheim désigné dans l'Article II du présent Récès.

IX. Les Articles Additionnels du Traité de Francfort du 20 Novembre, 1813,* renfermant une Clause onéreuse à la charge du Grand Duché de Bade, sont révoqués.

Son Altesse Royale le Grand Duc, ses Héritiers et Successeurs, en sont libérés à jamais, et l'état de possession du Grand Duché, tel qu'il existe aujourd'hui, est formellement reconnu.

X. Le droit de Succession établi dans le Grand Duché de Bade, en faveur des Comtes de Hochberg, Fils de feu le Grand Duc Charles Frédéric, est reconnu pour et au nom des Puissances Contractantes.

Le Traité renfermant les 2 Articles ci-dessus IX et X, est annexé au présent Récès. (*Annexe No. X.*)

XI. Sa Majesté le Roi de Prusse, pour Lui, ses Héritiers et Successeurs, possédera, en toute Souveraineté et Propriété, dans les Départemens de la Sarre et de la Moselle, les Districts qui, en vertu du Traité conclu à Paris le 20 Novembre 1815, ont été cédés par Sa Majesté Très Chrétienne aux Puissances Signataires du dit Traité.

XII. Sa Majesté l'Empereur d'Autriche ayant cédé à Sa Majesté le Roi de Prusse, les Districts que Sa Majesté Impériale et Royale Apostolique possédait, en vertu de l'Article LI de l'Acte du Congrès de Vienne du 9 Juin 1815, dans le Département de la Sarre, y compris es Parcelles sur la rive droite de la Moselle qui appartenaient autrefois à Luxembourg, ainsi que les Districts du Département de la Moselle, cédés par Sa Majesté Très Chrétienne par le Traité de Paix de Paris du 30 Mai 1814, à l'exception toutefois de ceux de ces Territoires qui, suivant l'Article II du présent Récès, passent sous la Domination de Sa Majesté le Roi de Bavière : Sa Majesté Prussienne possédera les dits Districts pour Elle, ses Héritiers et Successeurs, en toute Propriété et Souveraineté, en tant qu'elle n'en a pas disposé suivant les Articles XXVII, XXVIII, et XXIX, du présent Récès, pour remplir les Engagemens contractés par l'Article XLIX et L de l'Acte du Congrès de Vienne.

XIII. Conformément à cette double disposition, et par suite des cessions faites, la Frontière des Etats Prussiens sera désormais la suivante :

En quittant le confluent de la Moselle avec la Sure, qui formait l'extrémité des Limites Prussiennes désignées par l'Article XXV de l'Acte du Congrès de Vienne, elle remontera la Moselle jusques près de Perle, qui passera à la Prusse, se dirigera de là sur Launsdorf, Wallwich, Schardorff, Niederweiling, Pellweiler ; tous ces endroits restant avec leurs Banlieues à la France jusqu'à Houvre, et suivra, de cet endroit, les anciennes Limites du Pays de Sarrebrück, en laissant Sarrelouis et le cours de la Sarre, avec les endroits situés à la droite

* See Martens' Supplement. Vol. 5. Page 650.

de la ligne ci-dessus désignée, c'est à dire, (situés du côté du ci-devant Département de la Sarre) et leurs Banlieues à la Monarchie Prussienne. Des limites du Pays de Sarrebrück, la ligne de démarcation continuera à être la même que celle qui, d'après l'Article I du Traité de Paix conclu à Paris le 20 Novembre 1815, sépare la France de l'Allemagne jusqu'à Blies-Rauschbach, de sorte que tout ce qui jusqu'à ce point fait, d'après l'Article cité, partie de l'Allemagne, sera possédé désormais par Sa Majesté Prussienne.

Du Point où près de Blies Rauschbach, appartenant à la Prusse, finit la Frontière de la France, jusqu'au Village de Braitenbach, qui se trouvera sous la domination Bavaoise, la frontière qui sépare les Cantons d'Arneval, d'Ottweiler, et de Saint Wendel, sur la ligne Prussienne des Cantons de Blies-castel et Waldmohr, faisant partie du Territoire Bavaois, formera la limite entre les Etats de Leurs Majestés les Rois de Prusse et de Bavière.

Les Frontières des ci-devant Cantons qui, d'après ce qui vient d'être stipulé, forment les limites entre le Territoire Prussien et Bavaois, sont entendues telles qu'elles étoient à l'époque de la conclusion du Traité de Paix de Paris du 30 Mai, 1814.

De Braitenbach la nouvelle Frontière passera à travers les Cantons d'Ottweiler, de Tholey, et de Saint Wendel, de façon qu'elle laisse du premier, les Communes de Werschweiler, Doerrenbach, la Métairie de Werthshausen, ainsi que les Communes de Steinbach, Niederlinxweiler, Remesweiler, Mainzweiler et Urexweiler ; et du second, les Communes de Namborn, Gnidesweiler, Gronig, Ossenbach, avec Oberthal, Immweiler, Elmeren, Bliesen, Niederhofen, Winterbach, Alzweiler, et Marpingen, toutes avec leurs Banlieues, à Son Altesse Sérénissime le Duc de Saxe Cobourg, et que le reste de ces Cantons demeure sous la domination Prussienne ; mais que du Canton de Saint Wendel, les seules Communes de Hasborn, Dautweiler, et Theley, avec leurs Banlieues, fassent partie du Territoire Prussien ; le reste de ce Canton appartenant en partie à celui de Saxe Cobourg, et en partie à celui d'Oldenbourg.

De là la Frontière traversera les Cantons de Wadern et de Hermeskeil, en laissant du premier, les Communes de Neunkirchen, Sellbach, Gannesweiler et Eyweiler ; du second celles de Soetern, Boosen, et Schwartzembach, toutes avec leurs Banlieues, à Son Altesse Royale le Grand Duc d'Oldenbourg ; le reste de ces Cantons formant partie du Territoire Prussien. Elle passera ensuite entre le Canton de Hermeskeil et de Birkenfeld, ce dernier appartenant en entier au Territoire d'Oldenbourg, et coupera le Canton de Herrstein et de Rhaunen, de manière que le premier appartienne à Son Altesse Royale le Grand Duc d'Oldenbourg, à l'exception des Communes de Hottenbach, Hellertshausen, Asbach, Schauren, Kempfeld et Bruckweiler, qui, avec leurs Banlieues, demeurent à la Prusse, et que

le second, celui de Rhaunen, reste à Sa Majesté Prussienne, à l'exception de la Commune de Bondenbach, qui, avec sa banlieue, fait partie du Territoire d'Oldenbourg.

Lorsque la nouvelle limite aura ainsi atteint celle qui séparait à l'époque du 30 Mai 1814, le Département de la Sarre du Département de Rhin et Moselle, elle suivra cette limite vers le confluent de la Glan avec la Nahe, en séparant du Territoire Prussien une partie du Canton de Herrstein, laquelle, comme il vient d'être dit, appartient au Grand Duc d'Oldenbourg, et le Canton de Meisenheim, qui passe à Son Altesse Sérénissime le Landgrave de Hesse Hombourg. Au confluent des 2 susdites Rivières la nouvelle Frontière retombera dans les limites fixées par l'Article XXV de l'Acte du Congrès de Vienne, et admises au présent Récès.

XIV. Sa Majesté le Roi de Prusse réunit à Son Grand Duché du Bas Rhin, tous les Districts et Territoires compris dans les limites décrites dans l'Article précédent.

XV. Le droit de Garnison dans la Forteresse de Mayence est commun à Sa Majesté l'Empereur d'Autriche et à Sa Majesté le Roi de Prusse. La Garnison de cette Place sera composée d'un nombre égal de Troupes Autrichiennes et de Troupes Prussiennes. Son Altesse Royale le Grand Duc de Hesse participera au même droit pour un Bataillon d'Infanterie.

XVI. Par suite de l'Article ci-dessus, leurs Majestés l'Empereur d'Autriche, et le Roi de Prusse, exerceront le droit de nommer le Gouverneur et le Commandant de la Place de Mayence alternativement de 5 à 5 ans, et de manière que lorsque le poste de Gouverneur sera occupé par un Général Autrichien, celui de Commandant le sera par un Général Prussien, et ainsi réciproquement. Il est également convenu que la direction de l'Artillerie appartiendra, comme jusqu'ici, à l'Autriche, et celle du Génie à la Prusse.

XVII. Son Altesse Royale le Grand Duc de Hesse cède à Sa Majesté le Roi de Prusse le Duché de Westphalie, tel qu'il a été possédé par Son Altesse Royale à l'époque de la signature de l'Acte final du Congrès de Vienne du 9 Juin, 1815, pour appartenir à Sa Majesté, ses Descendants et Successeurs, en toute propriété et souveraineté.

XVIII. Son Altesse Royale le Grand Duc de Hesse renonce, en faveur de Sa Majesté le Roi de Prusse, pour lui, ses Descendants et Successeurs, à tout droit de souveraineté et de féodalité, sur les Comtés de Wittgenstein-Wittgenstein, et de Wittgenstein-Berlebourg. Ces Possessions seront placées envers la Monarchie Prussienne dans les relations établies par la Constitution Fédérative de l'Allemagne pour les Territoires Médiatisés.

XIX. En retour des cessions et renonciations faites par le Grand Duc de Hesse, Son Altesse Royale possédera pour Elle, ses Héritiers et Successeurs ;

1°. En toute souveraineté ; les Territoires du Prince et des Comtes d'Isenbourg, y compris les Villages de Heusenstamm et d'Eppertshausen, à l'exception toutefois des Districts cédés à Son Altesse Royale l'Electeur de Hesse, en vertu de l'Article XXV du présent Récès. De même en toute souveraineté les Possessions du Comte de Solms-Rödelheim et du Comte d'Ingelheim, qui ont fait partie du ci-devant Département de Francfort ; lesquelles Possessions et Villages seront placées envers le Grand Duché de Hesse dans les relations établies par la Constitution Fédérative de l'Allemagne pour les Territoires Médiatisés.

Les rapports des Comtes d'Isenbourg vis-à-vis du Prince d'Isenbourg seront rétablis sur le pied sur lequel ils existoient avant la Confédération Rhénane, bien entendu que tous les droits de souveraineté appartiendront uniquement à leurs Altesses Royales l'Electeur et le Grand Duc de Hesse, conformément à l'Article XXV ci-dessus mentionné.

2°. En propriété ; les Salines situées dans la Banlieue de Kreutznach, ainsi que les sources salées qui y appartenaient à l'époque de la signature de l'Acte du Congrès de Vienne du 9 Juin, 1815. La Saline dite de Munster, qui est une propriété particulière, est expressément exceptée. La souveraineté de toutes ces Salines restera à Sa Majesté le Roi de Prusse.

XX. Son Altesse Royale le Grand Duc de Hesse, ses Héritiers et Successeurs, posséderont, en toute propriété et souveraineté ;

1°. Le Cercle d'Alzei, à l'exception du Canton de Kirchheim-Poland, et les Cantons de Pfeddersheim et de Worms dans le Cercle de Spire, tels que ces pays se trouvaient à l'époque du 3 Novembre, 1815, sous l'administration établie à Worms, et de façon que les limites des Etats Prussiens, là, où ceux-ci confinent au Cercle d'Alzei, restent telles qu'elles sont fixées par l'Article XXV de l'Acte du Congrès de Vienne du 9 Juin, 1815.

2°. La Ville et le Territoire de Mayence, y compris Cassel et Kostheim, à l'exception de tout ce qui constitue la Forteresse, laquelle est déclarée Forteresse de la Confédération Germanique.

XXI. Tous les ouvrages, édifices, terrains et revenus qui appartenoient à la Forteresse de Mayence, à l'époque de la remise faite aux Troupes Alliées en exécution de la Convention du 23 Avril, 1814, soit que ces revenus fissent partie de sa dotation, soit qu'ils fussent affectés à d'autres objets, resteront exclusivement à la disposition du Gouvernement de la Forteresse, et leur produit fera partie de sa dotation.

XXII. Le droit de Souveraineté dans la Ville de Mayence appartenant à Son Altesse Royale le Grand Duc de Hesse, l'administration de la justice, la perception des impositions et contributions de toute espèce, ainsi que toute autre branche de l'administration civile, restera exclusivement entre les mains des Employés de Son Altesse Royale, et le

Gouverneur et le Commandant leur prêteront secours et assistance en cas de besoin. Toutefois le Gouvernement Militaire de la Forteresse sera nanti de tous les pouvoirs nécessaires pour lui assurer, conformément à la responsabilité qui repose sur lui, l'exercice libre et indépendant de ses fonctions. Les Autorités civiles et locales lui seront subordonnées pour tout ce qui concerne la défense de la place et les rapports militaires. Il aura à ce même égard nommément la direction de la Police, de manière cependant qu'un Employé civil de Son Altesse Royale le Grand Duc prendra part aux Conférences du Gouvernement aussi souvent qu'il s'agira d'objets de cette nature.

Les Ordonnances et Réglemens de Police seront publiés par le Gouvernement sous l'intervention du Président de la Police de la Ville. La Garde Bourgeoise de la Ville sera, ainsi que cela se pratique dans toutes les Fortereses, placée sous les ordres du Gouvernement militaire, et ne pourra se rassembler que de son consentement.

Il ne sera mis aucun obstacle à la levée de la conscription dans la Ville. Le Gouvernement Militaire étant responsable de la défense de la Place, et du maintien de l'ordre intérieur, et jouissant du droit de prendre dans ce but toutes les mesures nécessaires, il pourra aussi placer des avant-postes au dehors de la Forteresse. En tems de guerre, ou lorsque l'Allemagne sera menacée d'une guerre, et la Forteresse déclarée en état de siège, les pouvoirs du Gouvernement Militaire seront illimités, et n'auront d'autres bornes que la prudence, les usages et le droit des gens.

XXIII. Son Altesse Royale le Grand Duc de Hesse consent à ce que la Prusse ait une route militaire par ses Etats pour les Troupes qui passent d'Erfurt par Eisenach, Hersfeldt, Giessen, et Wetzlar à Coblenze, et que celles qui viennent de Mayence ou qui y sont destinées, prennent la route de Coblenze par Bingen. Le règlement d'une route d'étapes pour les Troupes Autrichiennes destinées à faire partie de la Garnison de Mayence, est réservé à une Convention particulière entre les Gouvernemens respectifs. Son Altesse Royale le Grand Duc de Hesse consent également à ce que la Bavière ait une route militaire par ses Etats pour les Troupes qui passent des Provinces Bavaoises à la rive droite du Rhin dans celles nouvellement acquises sur la rive gauche de ce fleuve. Quant aux places d'étapes, aux moyens d'entretien et de transport, et autres objets d'administration, ces objets seront réglés par une Convention particulière entre Sa Majesté le Roi de Bavière et Son Altesse Royale le Grand Duc de Hesse.

XXIV. Les engagements pris par Son Altesse Royale le Grand Duc de Hesse dans les Articles Additionnels du Traité de Francfort, du 23 Novembre, 1813,* cessent, et la clause onéreuse que ces Articles renfermoient ne pourra plus, dans aucun cas, ni à aucune époque, devenir obligatoire pour Son Altesse Royale, ses Héritiers et Successeurs.

* See Martens' Supplement. Vol. 5. Page 653.

XXV. Son Altesse Royale le Grand Duc de Hesse remet Son Altesse Royale l'Electeur de Hesse en possession du Bailliage de Dorheim, et lui cède, en échange des Bailliages de Rodheim, Ortenberg et Babenhausen, de la moitié de Vilbel appartenante à Son Altesse Royale l'Electeur et des Communautés de Münzenberg, Traismunzenberg, Assenheim, Heuchelheim, et Burggraefenrode, les Territoires suivans, savoir :

1°. Les endroits de Grossauheim, Grosskrotzenberg et Oberrodenbach, et la moitié de Praunheim appartenant au Grand Duché.

2°. Une partie du Pays d'Isenbourg composée des Bailliages (*Gerichte*) de Diebach, Langenselbold, Meerholtz, Lieblös, Wächtersbach, Spielberg, et Reichenbach, et du Village de Wolfenborn.

XXVI. Son Altesse Royale le Grand Duc de Hesse réintègre, en exécution de l'Article XLVIII de l'Acte du Congrès de Vienne du 9 Juin, 1815, Son Altesse Sérénissime le Landgrave de Hesse Hombourg dans les possessions, revenus, droits et rapports politiques dont il a été privé par la Confédération Rhénane.

Il sera conclu entre Son Altesse Royale le Grand Duc de Hesse et Son Altesse Sérénissime le Landgrave de Hesse Hombourg, un Arrangement de Famille, à l'effet de concilier les rapports résultans de la présente Stipulation avec les Pactes et Récès de Famille existans.

XXVII. L'Article XLIX de l'Acte du Congrès de Vienne ayant réservé, dans le ci-devant Département de la Sarre, un District pour leurs Altesses Royales les Grands Ducs d'Oldenbourg, Prince de Lubeck et de Mecklenburg Strelitz, leurs Altesses Sérénissimes le Duc de Saxe Cobourg, le Landgrave de Hesse Hombourg, et le Comte de Pappenheim ; lequel District a reçu plus tard de Sa Majesté Prussienne une plus grande extension en faveur de Son Altesse Sérénissime le Duc de Saxe Cobourg, et Sa Majesté le Roi de Prusse s'étant engagé, en considération des cessions qui lui ont été faites à l'Article XII du présent Récès, par Sa Majesté l'Empereur d'Autriche, à mettre les dits Princes, ainsi que le Comte de Pappenheim, en possession des Territoires qui doivent leur appartenir ; Sa Majesté Prussienne, de concert avec Sa Majesté Impériale et Royale Apostolique, Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, et Sa Majesté l'Empereur de toutes les Russies, cède :

1°. A Son Altesse Royale le Grand Duc d'Oldenbourg, Prince de Lubeck, le Canton de Herrstein, à l'exception des Communes de Hottenbach, Hellertshausen, Asback, Schauren, Kempfeld, et Bruchweiler, le Canton de Birkenfeld, du Canton de Hermeskeil, les Communes de Soetern, Boosen, et Schwartzzenbach, du Canton de Wadern, les Communes de Neunkirchen, Sellbach, Gonnswiller, et Eyweiler, du Canton de Saint Wendel, les Communes d'Asweiler, Eizweiler, Imsbach, Hirstein, Reichweiler, et Mosberg, Steinberg et Deckenhard, Wallhausen et Schwartzhoff.

Du Canton de Rhaunen la Commune de Bondenbach, et du Canton de Baumholder, les Communes de Nohen, Nohefelden, Gimbsweiler, et Wolfersweiler.

XXVIII. 2°. A son Altesse Sérénissime le Duc de Saxe Cobourg, le Canton de Grumbach, à l'exception des Communes de Baerenbach, Becherbach, Oetzweiler, Hoppstädten, St. Julian et Eschenau. Le Canton de Baumholder, à l'exception de Nohen, Nohefelden, Gimbsweiler, et Wolfersweiler.

Le Canton de Saint Wendel, à l'exception des Communes de Bubbach, Saal, Niederkirchen, Marth, Hoff, Osterbrücken, Hasborn, Dautweiler, Theley, Aweiler, Eizweiler, Hirstein, Reichweiler et Mosberg, Steinberg et Deckenhard, Wallhausen, et Schwarzhoff et Imsbach.

Du Canton de Cousel, les Communes de Burglichtenberg, Thallichtenberg, Ruthweiler, Pfeffelbach, Reichweiler et Schwarzerden.

Du Canton de Tholey, les Communes de Namborn, Guidesweiler, Gronig, Ossenbach, avec Oberthal, Immweiler, Elmeren, Bliesen, Niederhofen, Winterbach, Alzweiler et Marpingen; et du Canton d'Oetzweiler, les Communes de Werschweiler et Dörrenbach, la Métairie de Werthshausen, ainsi que les Communes de Steinbach, Niederlinxweiler, Remesweiler, Mainzweiler, et Urexweiler.

XXIX. 3°. A Son Altesse Sérénissime le Landgrave de Hesse Hombourg, le Canton de Meisenheim, et du Canton de Grumbach, les Communes de Baerenbach, Becherbach, Oetzweiler et Hoppstädten.

XXX. Son Altesse Royale le Grand Duc d'Oldenbourg, Prince de Lubeck, leurs Altesses Sérénissimes le Duc de Saxe Cobourg et le Landgrave de Hesse Hombourg, posséderont les dits Districts et Territoires pour eux, leurs Héritiers et Successeurs, en toute souveraineté et propriété, et d'après les clauses et stipulations énoncées dans les Actes dressés entre les Parties intéressées lors de la remise des dits Territoires.

Son Altesse Sérénissime le Landgrave de Hesse Hombourg, pour lui, ses Héritiers et Successeurs, jouira également d'une pleine et entière souveraineté, à l'égard des Possessions dans lesquelles il a été réintégré, par l'Article XLVIII de l'Acte du Congrès de Vienne. Il prendra le Titre de Landgrave Souverain de Hesse.

XXXI. Il est entendu que les Communes renfermées dans les Districts désignés dans les Articles XXVII, XXVIII, et XXIX du présent Récès, sont censées être cédées, avec leur Banlieues, qui ne seront nulle part coupées par les nouvelles limites.

XXXII. La Prusse jouira du droit d'une route militaire par la Principauté de Birkenfeld, pour conserver la communication nécessaire avec le Pays de Sarrebruck, et la Forteresse de Sarrelouis. Il a été faite à cet égard une Convention particulière entre Sa Majesté le Roi de Prusse et Son Altesse Royale le Grand Duc d'Oldenbourg.

XXXIII. Son Altesse Royale le Grand Duc d'Oldenbourg, Prince

de Lubeck, leurs Altesses Sérénissimes le Duc de Saxe Cobourg et le Landgrave Souverain de Hesse, ayant été mis en possession des Territoires qui leur étaient destinés; Son Altesse Royale le Grand Duc de Mecklenbourg Strélitz ayant fait un Arrangement particulier avec Sa Majesté le Roi de Prusse, et le Comte de Pappenheim ayant obtenu une indemnité en domaines dans la Monarchie Prussienne; et ces derniers Arrangemens ayant été notifiés à la Commission Territoriale, Sa Majesté Prussienne est entièrement libérée des engagements qu'elle a voulu prendre par l'Article XLIX de l'Acte du Congrès de Vienne.

XXXIV. Sa Majesté le Roi des Pays Bas, Grand Duc de Luxembourg, possédera pour lui, ses Héritiers et Successeurs, en pleine propriété et souveraineté, tous les Districts qui, ayant fait partie en 1790, des Provinces Belges de l'Evêché de Liège, et du Duché de Bouillon, ont été cédés par la France aux Puissances Alliées, en vertu du Traité conclu à Paris le 20 Novembre, 1815, ainsi que les Territoires enclavés de Philippeville et de Mariembourg, avec les Places de ce nom cédés par le même Traité.

Par suite de cette disposition, les limites des Etats de Sa Majesté le Roi des Pays Bas, Grand Duc de Luxembourg, resteront telles qu'elles ont été fixés entre la France et les Pays cédés aux Puissances Alliées par le Traité de Paix de Paris du 30 Mai, 1814, à commencer de la mer du nord jusques vis-à-vis de Quiévrain.

De Quiévrain la ligne de démarcation suivra les anciennes limites des Provinces Belges du ci-devant Evêché de Liège, et du Duché de Bouillon, jusqu'à Villers près d'Orval, comme elles étoient en 1790, conformément aux stipulations de l'Article I du dit Traité de Paris du 20 Novembre, 1815; de sorte que tous les Pays qui se trouvent à la gauche de la dite Ligne de démarcation, en y comprenant les Territoires enclavés de Philippeville et Mariembourg, avec les Places de ce nom, le ci-devant Evêché de Liège, et tout le Duché de Bouillon, appartiennent aux Pays Bas.

XXXV. L'Article III du Traité conclu à Vienne le 31 Mai, 1815, et l'Article LXVII de l'Acte du Congrès de Vienne, ayant stipulé que la Forteresse de Luxembourg seroit considérée comme Forteresse de la Confédération Germanique, cette disposition est maintenue et expressément confirmée par le présent Récès.

Cependant Sa Majesté le Roi de Prusse, et Sa Majesté le Roi des Pays Bas, agissant en sa qualité de Grand Duc de Luxembourg, voulant adapter le reste des dispositions des dits Articles aux changemens survenus par le Traité de Paris du 20 Novembre, 1815, et pourvoir, de la manière la plus efficace à la défense combinée de leurs Etats respectifs, leurs Majestés sont convenues de tenir Garnison commune dans la Forteresse de Luxembourg, sans que cet arrangement, fait uniquement sous le Rapport Militaire, puisse altérer en rien le droit de

Souveraineté de Sa Majesté le Roi des Pays Bas, Grand Duc de Luxembourg, sur la Ville et la Forteresse de Luxembourg.

XXXVI. Sa Majesté le Roi des Pays Bas, Grand Duc de Luxembourg, cède à Sa Majesté le Roi de Prusse le droit de nommer le Gouverneur et le Commandant de cette Place, et consent à ce que tant la Garnison en général que chaque arme en particulier soit composée, pour les trois quarts de Troupes Prussiennes, et pour un quart de Troupes des Pays Bas; renonçant ainsi au droit de nomination que l'Article LXVII de l'Acte du Congrès de Vienne assuroit à Sa Majesté.

Les Troupes seront soldées et équipées aux fraix de leurs Gouvernemens respectifs. Il en sera de même pour leur nourriture, lorsque la Forteresse ne sera pas déclarée en état de siège. Dans ce cas, la garnison se nourrira des magasins de la Forteresse, et il sera suppléé à son approvisionnement d'après les principes établis dans le Traité conclu entre Sa Majesté le Roi de Prusse, et Sa Majesté le Roi des Pays Bas, Grand Duc de Luxembourg, à Francfort sur Mein, le 8 Novembre, 1816, annexé au présent Récès.—(*Annexe No. IV.*)

XXXVII. Le droit de Souveraineté appartenant dans toute sa plénitude à Sa Majesté le Roi des Pays Bas, Grand Duc de Luxembourg, dans la Ville et Forteresse de Luxembourg, comme dans tout le reste du Grand Duché, l'administration de la Justice, la perception des Impositions et Contributions de toute espèce, ainsi que toute autre branche de l'Administration Civile, restera exclusivement entre les mains des Employés de Sa Majesté, et le Gouverneur et le Commandant leur prêteront secours et assistance en cas de besoin.

De l'autre côté, le Gouverneur sera nanti de tous les pouvoirs nécessaires pour lui assurer, conformément à la responsabilité qui repose sur lui, l'exercice libre et indépendant de ses fonctions, et les Autorités Civiles et Locales lui seront subordonnées pour tout ce qui concerne la défense de la Place.

Pour éviter néanmoins tout conflit entre l'Autorité Militaire et Civile, Sa Majesté le Roi des Pays Bas, Grand Duc de Luxembourg, nommera un Commissaire spécial, qui servira d'Intermédiaire entre le Gouverneur et les Autorités Civiles, et recevra les directions du Gouverneur dans les affaires de Police, en tant qu'elles se lient aux Rapports Militaires et à la défense de la Place.

Le Gouverneur pourra pour le même objet, et toujours dans les limites qui viennent d'être énoncées, déléguer de sa part une Personne à son choix, et ces deux Employés formeront une Commission Mixte. Mais en cas de Guerre, ou si l'une ou l'autre des deux Monarchies de Prusse ou des Pays Bas étoit menacée d'une Guerre, et que la Forteresse fut déclarée en état de siège, les pouvoirs du Gouverneur seront illimités, et n'auront d'autres bornes que la prudence, les usages et le droit des Gens.

Si, finalement, la Diète de la Confédération Germanique venoit à décider que les Gouverneurs et Commandans des Forteresses de la Ligue devront être assermentés, le Gouverneur et le Commandant de la Forteresse de Luxembourg prêteront le serment d'après la Formule qui sera adoptée par la Diète.

XXXVIII. Une partie des Indemnités pécuniaires que Sa Majesté Très Chrétienne s'est engagée à payer par l'Article IV du Traité de Paris du 20 Novembre, 1815, étant destinée, en vertu des Arrangemens faits à Paris entre les Puissances Alliées, à renforcer la ligne de défense des Etats limitrophes de la France, cette somme est distribuée de la manière suivante :

Sa Majesté le Roi de Prusse en recevra, pour être employé aux Ouvrages destinés à la défense du Bas Rhin, 20,000,000 francs,—Sa Majesté le Roi de Bavière, 15,000,000,—Sa Majesté le Roi des Pays Bas, 60,000,000,—et Sa Majesté le Roi de Sardaigne, 10,000,000 :—5,000,000 francs sont destinés pour être employés à achever les Fortifications de la Forteresse de Mayence,—et 20,000,000 pour la construction d'une Place Fédérale sur le Haut Rhin.

L'emploi de ces différentes sommes sera fait, conformément au Système qui a été adopté par les Puissances signataires du Traité de Paix conclu à Paris le 20 Novembre, 1815, et qui a été consigné au Protocole de la Conférence de leurs Ministres du 21 Novembre, 1815, annexé au présent Récès. (*Annexé au Annexe No. IV.*)

XXXIX. La partie de la Savoie qui étoit restée à la France, en vertu du Traité de paix de Paris du 30 Mai, 1814, et qui a été rétrocédée par le Traité du 20 Novembre, 1815, est restituée à Sa Majesté le Roi de Sardaigne, pour être possédée en toute souveraineté et propriété par Lui, ses Héritiers et Successeurs, et les Frontières entre la Savoie et la France seront telles qu'elles existoient en 1790. La Commune de Saint Julien reste exceptée de cette restitution. Elle a été donnée à la Confédération Suisse, qui en a rétrocédé à Sa Majesté Sarde la portion dans laquelle le chef-lieu est situé.

XL. Afin d'établir une communication directe entre le Canton de Genève et le reste de la Suisse, la partie du Pays de Gex, bornée à l'est par le Lac Lemman, au midi par le Territoire du Canton de Genève, au nord par celui du Canton de Vaud, à l'ouest par le cours de la Versoix, et par une Ligne qui renferme les Communes de Collex-Bussy et Meyrin, laissant la Commune de Fernay à la France, est réunie définitivement au Canton de Genève.

La Commune de Saint Julien est réunie également à ce Canton ; à l'exception toutefois de la partie qui, conformément à l'Article précédent, en a été cédée à Sa Majesté le Roi de Sardaigne.

XLI. En conséquence des Actes du Congrès de Vienne, ainsi que des dispositions ultérieures des Puissances Alliées, et notamment en vertu du Traité conclu entre Sa Majesté le Roi de Sardaigne et la [1819—1820.]

Confédération Suisse le 16 Mars, 1816, dont l'Article I se trouve transcrit ci-dessous, en tant qu'il s'agit de la description des Frontières, le Territoire cédé par Sa Majesté le Roi de Sardaigne, pour être réuni au Canton de Genève, est " limité par le Rhone à partir de l'ancienne Frontière près de Saint Georges jusqu'aux confins de l'ancien Territoire Génevois à l'ouest d'Aire la Ville; de là par une Ligne suivant ce même ancien Territoire jusqu'à la Rivière de la Laire, remontant cette Rivière jusqu'au chemin qui, de la Perrière, tend à Soral, suivant le chemin jusqu'au dit Soral, lequel restera, ainsi que le chemin, en entier sur Genève; puis par une ligne droite tirée sur l'angle saillant de la Commune de Bernex à l'ouest de Norcier. De cet angle la limite se dirigera par la ligne la plus courte à l'angle méridional de la Commune de Bernex sur l'Aire, laissant Norcier et Thurens sur Savoie. De ce point elle prendra la ligne la plus courte pour atteindre la Commune de Compesières, suivra le confin de cette Commune à l'est de Saint Julien, jusqu'au Ruisseau de l'Arande, qui coule entre Ternier et Bardonex, remontera ce Ruisseau jusqu'à la grande route d'Annecy à Carouge, suivra cette route jusqu'à l'embranchement du chemin qui mène directement à Callonge, à 555 Toises de Savoie, avant d'arriver à la croix de Roson, atteindra par ce chemin le Ruisseau qui descend du Village d'Archamp, suivra ce Ruisseau jusqu'à son confluent avec celui qui descend du Hameau de la Combe au-delà d'Evordes, en laissant néanmoins toutes les maisons du dit Evordes sur Genève; puis du Ruisseau de la Combe, prendra la route qui se dirige sous Bossey, sous Crevin, et au-dessus de Veirier.

" De l'intersection de cette route à l'est, et près de Veirier, avec celle qui de Carouge tend à Etrembières, la limite sera marquée par la ligne la plus courte, pour arriver à l'Arve, à 2 Toises au-dessus de la prise d'eau du Bief du moulin de Sierne. De là elle suivra le Thalweg de cette Rivière jusque vis-à-vis de l'embouchure du Foron, remontera le Foron jusqu'au delà de Cormières au point qui sera indiqué par la ligne la plus courte, tirée de la jonction de la route de Carra avec le chemin qui, du nord de Publinge, tend au nord de Ville-la-grand, suivra la dite ligne, et ce dernier chemin vers l'est en le donnant à Genève; puis la route qui remonte parallèlement au Foron jusqu'à l'endroit où elle se trouve en contact avec le Territoire de Jussy.

" De ce point la ligne reprendra l'ancienne limite jusqu'à sa rencontre avec le chemin tendant de Gy à Foncenex, et suivra le dit chemin vers le nord jusqu'à la sortie du Village de Gy, laissant le dit chemin sur Genève, la limite se dirigera ensuite en ligne droite sur le Village de Veigi, de manière à laisser toutes les maisons du Village sur Savoie; puis en ligne droite au point où l'Hermance coupe la grande route du Simplon. Elle suivra enfin l'Hermance jusqu'au Lac, lequel bornera le nouveau Territoire au nord-ouest; bien en-

tendu que la propriété du Lac, jusqu'au milieu de sa largeur, à partir d'Hermance jusqu'au Vesenaz, est acquise au Canton de Genève, et qu'il en sera de même des portions du cours du Rhone, qui ayant fait jusqu'ici frontière entre les deux Etats appartenaient à Sa Majesté, que tous les chemins indiqués comme formant la ligne frontière dans la délimitation ci-dessus appartiendront à Sa Majesté, sauf les exceptions indiquées, et que tous les enclos fermés de murs ou de haies attenans aux maisons des Villages et Hameaux qui se trouveroient placés près de la nouvelle frontière appartiendront à l'Etat dans lequel est situé le Village ou Hameau ; la ligne marquant les confins des Etats ne pourra être rapprochée à plus de 2 toises des maisons ou des enclos y attenans, et fermés de murs ou de haies. Quant aux rivières et ruisseaux qui, d'après les changemens de limites résultans du Traité de ce jour, déterminent la nouvelle frontière le milieu de leurs cours servira de limite, en exceptant le Foron, lequel appartiendra en entier à Sa Majesté, et dont le passage ne sera assujetti à aucun droit."

XLII. Les Souverains qui, en vertu du présent Récès, obtiennent des Territoires qui ont été détachés de la France, par les Traités de paix de Paris du 30 Mai 1814, et du 20 Novembre 1815, entrent dans tous les droits, et prennent sur eux toutes les charges et engagements stipulés à cet égard dans les deux susdits Traités.

XLIII. L'état de possession actuel des Duchés de Parme, Plaisance, et Guastalla, ainsi que celui de la Principauté de Lucques, étant déterminé par les Stipulations de l'Acte du Congrès de Vienne, les dispositions des Articles XCIX, CI, et CII, sont et restent maintenues dans toute leur force et valeur.

XLIV. La réversibilité des Duchés de Parme, Plaisance et Guastalla, prévue par l'Article XCIX de l'Acte Final du Congrès de Vienne, est déterminée de la manière suivante :

Les Duchés de Parme, Plaisance, et Guastalla, après le décès de Sa Majesté l'Archiduchesse Marie-Louise, passeront en toute souveraineté à Sa Majesté l'Infante d'Espagne Marie-Louise, l'Infant Don Charles Louis Son Fils, et Ses Descendans mâles, en ligne directe et masculine, à l'exception des Districts enclavés dans les Etats de Sa Majesté Impériale et Royale Apostolique sur la rive gauche du Pô, lesquels resteront, en toute propriété, à Sa dite Majesté, conformément à la restriction établie par l'Article XCIX de l'Acte du Congrès de Vienne.

XLV. A cette même époque la réversibilité de la Principauté de Lucques, prévue par l'Article CII de l'Acte du Congrès de Vienne, aura lieu dans les termes et sous les clauses du même Article en faveur de Son Altesse Impériale et Royale le Grand Duc de Toscane.

XLVI. Quoique la frontière des Etats Autrichiens en Italie soit déterminée par la ligne du Pô, il est toutefois convenu, d'un commun

accord, que la forteresse de Plaisance, offrant un intérêt plus particulier au système de défense de l'Italie, Sa Majesté Impériale et Royale Apostolique conservera dans cette Ville, jusqu'à l'époque des réversions après l'extinction de la branche Espagnole des Bourbons, le droit de garnison pur et simple ; tous les droits régaliens et civils sur cette Ville étant réservés au Souverain futur de Parme.

Les fraix et l'entretien de la garnison dans la Ville de Plaisance seront à la charge de l'Autriche ; et sa force, en tems de paix, sera déterminée à l'amiable entre les Hautes Parties intéressées, en prenant toutefois pour règle le plus grand soulagement possible des habitans.

XLVII. La réversion des Duchés de Parme, Plaisance, et Guastalla, en cas d'extinction de la branche de l'Infant Don Charles Louis, est explicitement maintenue dans les termes du Traité d'Aix-la-Chapelle de 1748,* et de l'Article Séparé du Traité entre l'Autriche et la Sardaigne du 20 Mai 1815.

XLVIII. Les Traités, Conventions, et autres Actes, qui se trouvent annexés au présent Récès, et nommément :

1. Le Traité entre Sa Majesté le Roi de Sardaigne, la Confédération Suisse, et le Canton de Genève, conclu à Turin le 16 Mars 1816. *Page* 21
2. Le Traité entre l'Autriche, la Prusse, et le Grand Duché de Hesse, conclu à Francfort sur le Mein, le 30 Juin 1816. ... *Page* 30
3. Le Traité entre la Grande Bretagne et le Grand Duché de Hesse, conclu à Francfort sur le Mein, le 30 Juin 1816..... *Page* 39
4. Le Traité entre la Prusse et les Pays-Bas, conclu à Francfort sur le Mein, le 8 Novembre 1816. *Page* 40
5. Le Traité entre la Grande Bretagne et les Pays-Bas, conclu à Francfort sur le Mein, le 16 Novembre 1816. *Page* 48
6. Le Traité entre l'Autriche et les Pays-Bas, conclu à Francfort sur le Mein, le 12 Mars 1817..... *Page* 51
7. Le Traité entre la Russie et les Pays-Bas, conclu à Francfort sur le Mein, le 5 (17) Avril 1817. *Page* 54
8. Le Traité entre l'Autriche, l'Espagne, la France, la Grande Bretagne, la Prusse, et la Russie, conclu à Paris le 10 Juin 1817. *Page* 56
9. Le Traité entre l'Autriche et le Grand Duché de Bade, conclu à Francfort sur le Mein, le 10 Juillet 1819. *Page* 60
10. Le Traité entre l'Autriche, la Grande Bretagne, la Prusse, la Russie, et le Grand Duché de Bade, conclu à Francfort sur le Mein, le 10 Juillet 1819 *Page* 61

Sont considérés comme parties intégrantes des arrangemens stipulés par le présent Acte, et auront, selon leur teneur respective, la même force et valeur que s'ils étoient insérés mot-à-mot dans le Récès même.

* See Chalmers. Vol. I. Page 424.

II. Quant au Traité conclu à Munic, le 14 Avril, 1816, entre l'Autriche et la Bavière, également joint au présent Acte, il y a été annexé dans le sens et l'esprit de l'Article VII. du présent Récès.Page 63

XLIX. La Langue Française employée dans le présent Récès, l'a été avec les mêmes réserves énoncées à l'Article CXX. de l'Acte du Congrès de Vienne.

L. Le présent Récès sera ratifié, et les Ratifications en seront échangées à Francfort sur le Mein, dans l'espace de 3 mois, ou plutôt si faire se peut.

Un Exemplaire du même Acte sera déposé à Vienne aux Archives de Cour et d'Etat de Sa Majesté Impériale et Royale Apostolique, pour y être réuni à l'ensemble des Actes desquels il dérive et sur lesquels il est fondé.

Les Hautes Parties Contractantes se réservent d'ailleurs d'adopter une marche commune pour le communiquer et le proposer à l'adhésion des autres Puissances et Etats intéressés.

En foi de quoi les Plénipotentiaires respectifs ont signé le présent Récès, et y ont apposé le Cachet de leurs Armes.

Fait à Francfort sur le Mein, le 20 Juillet, l'an de grâce 1819.

(L.S.) CLANCARTY. (L.S.) LE BARON DE HUMBOLDT.

(L.S.) LE BARON DE WESSENBERG. (L.S.) J. D'ANSTETT.

ACTES ANNEXÉS.

*ACTE No. I, annexé au Récès Général, conclu à Francfort
le 20 Juillet, 1819.*

*TRAITÉ entre Sa Majesté le Roi de Sardaigne, la Confédération
Suisse, et le Canton de Genève, conclu à Turin le
16 Mars, 1816.*

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AU NOM DE LA TRÈS-SAINTE ET INDIVISIBLE TRINITÉ.

SA Majesté le Roi de Sardaigne, en considération du vif intérêt que les Puissances signataires du Traité de Paris du 30 Mai 1814, avoient témoigné pour que le Canton de Genève obtînt quelques facilités, soit dans le but de désenclaver une partie de ses Possessions, soit quant à ses communications avec la Suisse, ayant consenti par le Protocole du Congrès de Vienne du 29 Mars 1815,* à mettre à la disposition de ces mêmes Puissances une partie de la Savoie y désignée pour être réunie à Genève, et afin de donner à ce Canton une marque particulière de sa bienveillance, ayant également consenti aux stipulations contenues dans les Articles 5 et 6 du dit Protocole ;

* See Annex 12 to Vienna Congress Treaty of 9 June, 1815.

Les 4 Grandes Puissances Alliées ayant ensuite arrêté dans le Protocole signé par leurs Ministres Plénipotentiaires à Paris le 3 Novembre,* que la partie de la Savoie occupée par la France seroit restituée à Sa Majesté, sauf la Commune de Saint Julien, qui seroit cédée à Genève, et s'étant en outre engagées à interposer leurs bons offices pour disposer Sa Majesté à céder au Canton de Genève, Chêne-Tonex, et quelques autres Communes nécessaires pour désenclaver le territoire Suisse de Jussy contre la rétrocession des Communes du littoral, situées entre la route d'Evian et le Lac, comme aussi pour que la ligne des Douanes fut éloignée au moins d'une lieue de la frontière Suisse, et au-delà des montagnes indiquées au dit Protocole;

Enfin, ces mêmes Protocoles ayant arrêté les mesures générales qui étendent à une partie de la Savoie les avantages de la neutralité perpétuelle de la Suisse;

Sa Majesté le Roi de Sardaigne, d'une part, voulant donner à Ses Augustes Alliés de nouvelles preuves de ses sentimens envers eux, à la Confédération Suisse en général, et au Canton de Genève en particulier, des témoignages de ses dispositions amicales;

Et d'autre part, son Excellence le Bourgmestre, Président et le Conseil d'Etat du Canton de Zurich, Directoire Fédéral, au nom de la Confédération Suisse, empressés de resserrer avec Sa dite Majesté les liens et les rapports qui sont dans les intérêts des deux Etats, et de consolider les relations de bon voisinage qui les unissent, ont résolu de nommer des Plénipotentiaires pour régler soit les objets relatifs à la délimitation du Territoire cédé par le Protocole du 29 Mars (sur lesquels objets des Conférences avoient déjà eu lieu à Chênes), soit les arrangemens relatifs aux nouvelles cessions, et à l'éloignement des Douanes, comme aussi ce qui concerne la neutralité de certaines parties de la Savoie, les dispositions de Transit et de Commerce, et enfin tout ce qui peut intéresser réciproquement les 2 Etats, et pourvoir à leurs convenances mutuelles:

A ces fins ils ont nommé, savoir:

Sa Majesté le Roi de Sardaigne, Messieurs le Chevalier Louis de Montiglio, Avocat Fiscal Général de Sa Majesté au Sénat de Savoie, et le Chevalier Louis Provana de Collegno, Conseiller de Sa Majesté, et Commissaire Général des confins de Ses Etats.

Et la Confédération Suisse et le Canton de Genève, Monsieur le Conseiller d'Etat Charles Pictet de Rochemont: lesquels, après avoir échangé leurs pleins pouvoirs annexés au présent Traité, et les avoir trouvés en bonne et due forme, prenant pour base de leur travail le principe de la convenance réciproque et des avantages respectifs d'administration des 2 Gouvernemens; désirant que Sa Majesté ait un chef-lieu commodément situé pour les Communes restantes de la Province de Carouge, et qu'elle conserve sur son propre Territoire des

* See Martens' Supplement. Vol. 6, Page 668.

communications faciles entre la Basse Savoie et le Chablais, sont convenus de ce qui suit :

ART. I. Le territoire cédé par Sa Majesté le Roi de Sardaigne, pour être rénni au Canton de Genève, soit en vertu des Actes du Congrès de Vienne du 29 Mars 1815, soit en vertu des dispositions du Protocole des Puissances Alliées du 3 Novembre suivant, et du Traité de ce jour, est limité par le Rhône à partir de l'ancienne frontière près de Saint Georges jusqu'aux confins de l'ancien territoire Gènevois à Fonest d'Aire la Ville,—de là par une ligne suivant ce même ancien territoire jusqu'à la rivière de la Laire, remontant cette rivière jusqu'au chemin qui de La Perrière tend à Soral, suivant le chemin jusqu'au dit Soral, lequel restera, ainsi que le chemin, en entier sur Genève,—puis par une ligne droite tirée sur l'angle saillant de la Commune de Bernex à l'ouest de Norcier. De cet angle la limite se dirigera par la ligne la plus courte à l'angle méridional de la Commune de Bernex sur l'Aire, laissant Norcier et Thurens sur Savoie. De ce point elle prendra la ligne la plus courte pour atteindre la Commune de Compessières, suivra le confin de cette Commune à l'Est de Saint Julien jusqu'au Ruisseau de l'Arande qui coule entre Ternier et Bardonex ; remontera ce Ruisseau jusqu'à la grande route d'Annecy à Carouge, suivra cette route jusqu'à l'embranchement du chemin qui mène directement à Collonge, à 155 toises de Savoie, avant d'arriver à la croix de Roson, atteindra par ce chemin le Ruisseau qui descend du village d'Archamp ; suivra ce Ruisseau jusqu'à son confluent avec celui qui descend du Hameau de la Combe au delà d'Evordes, en laissant néanmoins toutes les maisons du dit Evordes sur Genève ; puis du Ruisseau de la Combe, prendra la route qui se dirige sous Bossey, sous Crevin, et au-dessus de Veirier.

De l'intersection de cette route à l'est, et près de Veirier avec celle qui de Carouge tend à Etrembrères, la limite sera marquée par la ligne la plus courte pour arriver à l'Arve à 2 toises au-dessus de la prise d'eau du Bief du moulin de Sierne. De là elle suivra le Thalweg de cette rivière jusque vis-à-vis de l'embouchure du Foron, remontera le Foron jusqu'au delà de Cormière au point qui sera indiqué par la ligne la plus courte tirée de la jonction de la route de Carra avec le chemin qui, du nord de Publinge, tend au nord de Ville-la-Grand ; suivra la dite ligne, et ce dernier chemin vers l'est, en le donnant à Genève ; puis la route qui remonte parallèlement au Foron jusqu'à l'endroit où elle se trouve en contact avec le territoire de Jussy.

De ce point la ligne reprendra l'ancienne limite jusqu'à sa rencontre avec le chemin tendant de Gy à Foncenex, et suivra le dit chemin vers le nord jusqu'à la sortie du Village de Gy, laissant le dit chemin sur Genève. La limite se dirigera ensuite en ligne droite sur le Village de Veigi, de manière à laisser toutes les maisons du Village sur Savoie ; puis en ligne droite au point où l'Hermance coupe la grande route du Simplon.

Elle suivra enfin l'Hermance jusqu'au Lac, lequel bornera le nouveau territoire au nord-ouest, bien entendu que la propriété du Lac, jusqu'au milieu de sa largeur, à partir d'Hermance jusqu'au Vezénaz, est acquise au Canton de Genève, et qu'il en sera de même des portions du cours du Rhône qui, ayant fait jusqu'ici frontière entre les deux Etats, appartenaient à Sa Majesté; que tous les chemins indiqués comme formant la ligne frontière dans la délimitation ci-dessus, appartiendront à Sa Majesté, sauf les exceptions indiquées; et que tous les enclos fermés de murs ou de haies, attenans aux maisons des Villages et Hameaux, qui se trouveraient placés près de la nouvelle frontière, appartiendront à l'Etat dans lequel est situé le Village ou Hameau; la ligne marquant les confins des Etats ne pourra être rapprochée à plus de 2 toises des maisons ou des enclos y attenans et formés de murs ou de haies. Quant aux rivières et ruisseaux qui, d'après les changemens de limites résultans du Traité de ce jour, déterminent la nouvelle frontière, le milieu de leurs cours servira de limite, en exceptant le Foron, lequel appartiendra en entier à Sa Majesté, et dont le passage ne sera assujéti à aucun droit.

II. Les Puissances Contractantes renoncent à tous droits de souveraineté et autres qui peuvent leur appartenir dans les Pays réciproquement cédés, notamment Sa Majesté au territoire situé entre la route d'Evian, le Lac et la rivière d'Hermance, la Confédération Suisse et le Canton de Genève à la portion de la Commune de Saint Julien, où le chef-lieu est situé, le tout conformément à la délimitation fixée par l'Article précédent. Tous les titres, terriers et documens, concernant les Pays cédés, seront remis de part et d'autre le plutôt que faire se pourra.

III. Pour entrer dans le sens du Protocol du 3^{ème} Novembre, relativement aux douanes, en conciliant néanmoins, autant qu'il est possible, ses dispositions avec les intérêts de Sa Majesté, la ligne des douanes dans le voisinage de Genève, et du Lac, passera, à partir du Rhône par Cologny, Valeiry, Cheney, le Luiset, le Chable, le Sapey, le Vieson, Etrembières, Annemasse, Ville-la-grand, le long du cours du Foron jusqu'à Machilly, puis Deuvaine, et Colongette jusqu'au Lac, et le long du Lac jusqu'à Meillerie pour reprendre ensuite, et continuer la frontière actuelle par le poste le plus voisin de Saint Gingoulph; bien entendu, que dans la ligne déterminée, il sera libre à Sa Majesté de faire les changemens et les dispositions qui lui conviendront le mieux pour le nombre et le placement de ses Bureaux.

Aucun service ne pourra être fait ni sur le Lac ne dans la Zone qui sépare du territoire de Genève, la ligne ci-dessus indiquée; il sera néanmoins loisible, en tous tems, aux Autorités administratives de Sa Majesté de prendre les mesures qu'elles jugeront convenables contre les dépôts, et le stationnement des marchandises dans la dite Zone, afin d'empêcher toute contrebande qui pourroit en résulter.

Le Gouvernement de Genève de son côté, voulant séconder les vues de Sa Majesté à cet égard, prendra les précautions nécessaires pour que la contrebande ne puisse être favorisée par les habitans du Canton.

IV. La sortie de toutes les denrées du Duché de Savoie destinées à la consommation de la Ville de Genève et du Canton, sera libre en tout tems, et ne pourra être assujettie à aucun droit, sauf les mesures générales d'administration par lesquelles Sa Majesté jugerait à propos en cas de disette d'en défendre l'exportation de ses Etats de Savoie et de Piémont.

V. Les marchandises et denrées qui, en venant des Etats de Sa Majesté, et du port franc de Gènes, traverseraient la route dite du Simplon dans toute son étendue par le Valais et l'Etat de Genève, étant exemptes de droits de transit en vertu de l'Article II de l'Acte du Congrès de Vienne du 29^{ème} March, 1815, le total des droits relatifs à l'entretien de la route, soit dans le Valais, soit dans le Chablais, soit dans le Canton de Genève, tant par la route de Saint Julien, que par celle de Meyrin, sous quelque dénomination qu'on les désigne, sera fixé par une Convention particulière, dans une juste proportion avec les dépenses qui résultent des difficultés locales, et ne pourra être augmenté que d'accord entre les Gouvernemens respectifs.

Les dits Gouvernemens s'engagent à n'accorder aucune exemption ni diminution de ces droits à d'autres Puissances sans les rendre immédiatement communes aux Parties Contractantes.

VI. Les denrées et marchandises venant des Etats de Sa Majesté, et déclarées à l'entrée du Valais devoir passer en transit, payeront néanmoins le droit comme si elles devaient être consommées dans le Pays, mais le montant de ce droit sera restitué à la sortie du Valais, pourvu que l'identité des marchandises soit constatée par la vérification des plombs, ou autres marques d'usage apposées à leur entrée, et qu'il ne se soit pas écoulé plus de 6 semaines, sauf à obtenir, en cas d'empêchement, un plus long délai, lequel sera accordé gratuitement.

Les mêmes formalités seront observées à l'entrée et à la sortie du Canton de Genève.

Les plombs, ou autres marques apposées dans le Valais pour constater l'identité des marchandises en transit, seront reconnus et admis dans le Canton de Genève, et enfin les denrées et marchandises venant du Valais par le Chablais, et destinées pour Genève, et réciproquement, jouiront sur les terres de Sa Majesté des mêmes exemptions, et seront assujetties aux mêmes formalités.

Les frais des marques apposées aux marchandises ne pourront dépasser le coût réel des plombs, ou autres matières y employés.

VII. Le Protocole du Congrès de Vienne du 29 Mars, 1815, accepté par l'Acte de la Diète de la Confédération Suisse, en date du 12 Août suivant, ayant stipulé comme une des conditions de la cession du Territoire en faveur du Canton de Genève ;

“ Que les Provinces du Chablais et du Faucigny, et tout le Territoire au nord d'Ugine appartenant à Sa Majesté, feraient partie de la neutralité de la Suisse, garantie par toutes les Puissances,” ainsi qu'il est expliqué à l'Article I du dit Protocole.

Le Directoire Fédéral ayant déclaré, par sa Note officielle du 1^{er} Novembre, au Ministre de Sa Majesté ;

“ Que la Confédération Suisse a accepté les Actes du Congrès de Vienne du 29 Mars dans leur entier selon leur teneur littérale, et sans aucune réserve, en sorte que la différence de mots qui peut se trouver entre l'Acte susdit de la Diète, et le Protocole du Congrès, ne doit nullement être envisagée comme une restriction, ou comme une déviation du sens précis de ce dernier ;” et la même Note officielle ayant ajouté ;

“ De ces explications il résulte que la Suisse ne fait au sujet de l'admission des Provinces de Chablais, de Faucigny, et du Territoire au nord d'Ugine, dans son système de neutralité, aucune distinction ou réserve qui tende à affaiblir ou modifier les dispositions énoncées dans les Actes du Congrès de Vienne du 29 Mars.”

Le Traité de Paris du 20 Novembre, 1815, ayant étendu, de la même manière, cette neutralité de la Suisse à une autre partie du Territoire de Sa Majesté, et enfin l'Acte du même jour, *portant reconnaissance et garantie de la neutralité perpétuelle de la Suisse et de l'inviolabilité de son territoire*, contenant l'Article suivant ;

“ Les Puissances reconnaissent et garantissent également la neutralité des parties de la Savoie désignées par l'Acte du Congrès de Vienne du 29 Mars, 1815, et par le Traité de ce jour, comme devant jouir de la neutralité de la Suisse, de la même manière que si elles appartenaient à celle-ci.”

Ces diverses déclarations et stipulations, que la Suisse reconnaît et accepte, et auxquelles Sa Majesté accède de la manière la plus formelle, feront règle entre les 2 Etats.

VIII. Les communications commerciales entre les Provinces de Savoie au travers de l'Etat de Genève seront libres en tout tems, sauf les mesures de police auxquelles les Sujets de Sa Majesté seront astreints, comme les Génévois eux-mêmes.

IX. Il sera libre en tout tems aux Sujets de Sa Majesté réunis au Canton de Genève de vendre les propriétés par eux possédées dans le dit Canton, et de se retirer dans tel Pays qu'il leur plaira de choisir.

X. Les droits acquis aux Sujets de Sa Majesté, en vertu des Lois en vigueur jusqu'au moment de la remise du Territoire, seront respectés par la nouvelle Législation et les Actes et Contrâts passés, ainsi que les jugemens rendus d'après les dites Lois, ne pourront être attaqués que par les voies ouvertes, en vertu de ces mêmes Lois, sauf ce qui concerne la compétence et les formes de procédure établies pour les Tribunaux Génévois.

XI. Les dispositions des Protocoles de Vienne du 29 Mars, 1815,

en faveur du Pays cédé par Sa Majesté, pour être réuni à l'Etat de Genève, seront communes au Territoire dont le dit Etat acquiert la propriété, conformément au Protocole du 3 Novembre suivant, et à la délimitation fixée par le Traité de ce jour.

XII. Sur tous les objets auxquels il a été pourvu par le Protocole de Vienne du 29 Mars, 1815, les Lois éventuelles de la Constitution de Genève ne seront pas applicables. Et attendu que le dit Protocole a arrêté, Article III, § 1^{er} " Que la Religion Catholique sera maintenue et protégée de la même manière qu'elle l'est maintenant dans toutes les Communes cédées par Sa Majesté le Roi de Sardaigne, et qui seront réunies au Canton de Genève," il est convenu que les Lois et usages en vigueur au 29 Mars, 1815, relativement à la Religion Catholique dans tout le Territoire cédé, seront maintenus, sauf qu'il en soit réglé autrement par l'autorité du Saint Siège.

En exécution du § 6 du dit Article III, lequel a arrêté que le Curé de l'Eglise Catholique de Genève sera logé et doté convenablement, cet objet est réglé conformément à la Stipulation contenue dans l'Acte privé en date de ce jour.

XIII. Le Gouvernement de Genève, voulant montrer les sentimens dont il est animé envers les Habitans des Communes cédées, et son désir de pourvoir convenablement aux Etablissemens de Charité et d'Instruction Publique, consent à ce que les prix non payés des biens des Communes vendus sous l'Administration Française, et les Créances obtenues à ce titre par les dites Communes, soient perçus par elles, et employés à leur profit, que les Etablissemens de Charité et d'Instruction Publique existans conservent leurs fonds et les avantages dont ils étoient en possession. Enfin il pourvoira à ce que les dits Etablissemens ne puissent, à aucun égard, se trouver en souffrance par le fait de la présente cession de Territoire.

XIV. Les Propriétaires de bien-fonds, dont les propriétés sont coupées par la présente délimitation, de manière que leurs habitations ou bâtimens de ferme se trouvent sur le Territoire d'un Etat, et leurs pièces de terre sur l'autre, jouiront, pour l'exploitation de leurs biens, de la même liberté que si leurs propriétés étoient réunies sur le même Territoire. Ils ne pourront, à raison des dites Propriétés, être assujettis à de plus fortes charges que s'ils appartenaient à l'Etat où elles sont situées, et le principe des 2 Gouvernemens sera celui d'une protection spéciale pour les dits Propriétaires, ainsi que d'un parfait accord dans les mesures de sureté et de police.

XV. Les Contributions foncières des fonds dits de l'ancien dénombrement, ne seront point portées au-dessus du taux où elles se trouvaient le 29 Mars, 1815, tant qu'ils resteront entre les mains des Gênévois, et les bien-fonds appartenans actuellement à des Gênévois sur le revers septentrional de Salève entre Veirier et la limite occidentale de la Commune de Collonge-Archamps avec les pâturages qui en dépendent,

pourront être vendus en tout tems à des Gênois. Les Propriétaires Gênois du bas de Salève, soit sur Savoie, soit sur Genève, qui jouissent des eaux dérivant de la montagne, et qui, d'après les dispositions des Constitutions générales, auraient besoin de concessions du Roi pour conserver cette jouissance, seront traités à cet égard comme les Sujets de Sa Majesté, sauf les droits des tiers.

XVI. Tous droits d'Aubaine, de Détraction, et autres de même nature, relatifs aux successions, qui se trouveraient en vigueur dans les Etats de Sa Majesté à l'égard des Cantons Suisses, et réciproquement, seront abolis à dater du jour de l'échange des Ratifications du présent Traité.

XVII. Les Propriétaires Suisses de bien-fonds situés à une distance moindre de 2 milles de Piémont, des Frontières fixées par le présent Traité, et dont les titres sont antérieurs au 3 Novembre, 1815, ne seront point inquiétés à raison des dispositions contenues, à cet égard, dans les Constitutions générales de Sa Majesté, à la charge par eux de se conformer aux dites Constitutions, en cas de transmission de ces biens autrement que par voie de succession.

XVIII. A dater du 1 Avril prochain, les contributions des Territoires respectivement cédés appartiendront à l'Etat qui doit entrer en possession. Le Compte en sera réglé et soldé dans le mois qui suivra la remise des Territoires, déduction faite des frais d'administration jusqu'à la dite remise.

XIX. Les Dettes qui, aux termes des Articles XXI, XXVI, et XXX, du Traité de Paris du 30 Mai, 1814, et du Traité du 20 Novembre, 1815, se trouvent à la charge du Gouvernement de Sa Majesté dans le Territoire cédé à Genève par le présent Traité, seront à la charge du Gouvernement Gênois à dater du 1 Avril prochain.

XX. Sa Majesté nommera 2 Commissaires pour régler et terminer, dans le plus bref délai, avec 2 Commissaires nommés par le Canton de Genève, la liquidation des dettes actives et passives qui concernent, soit l'ancien Département du Lemman, soit les rapports qui ont existé entre les 2 Etats.

Le Gouvernement Français sera invité à intervenir dans cette liquidation pour les intérêts collectifs du dit ancien Département.

Les Titres, Registres et autres Pièces des anciennes Autorités Administratives et Judiciaires, et des différentes Régies du dit Département déposés à Genève, et qui concernent les Habitans et les Communes du Territoire de Sa Majesté, seront restitués aux 2 Commissaires Royaux, et quant aux Pièces qui intéressent tout le Département, ou l'ancien Arrondissement de la Sous-Préfecture de Genève, Sa Majesté consent, qu'après qu'il en aura été dressé inventaire, elles restent pendant 5 ans, à dater de ce jour, dans la dite Ville, sous la garde et la responsabilité de 2 Dépositaires, nommés, l'un par Sa

Majesté, et l'autre par le Gouvernement de Genève : à l'expiration de ce terme les 2 Gouvernemens aviseront de concert à la convenance de continuer, de modifier, ou de supprimer cet établissement.

Les Sujets de Sa Majesté auront un libre accès à ces Dépôts et les expéditions par eux demandées, ou qu'il y aurait lieu à produire par-devant les Tribunaux et autres Autorités du Roi, ne pourront être délivrées et certifiées conformes, que par le Dépositaire Royal, lequel en percevra les droits pour le compte de Sa Majesté.

XXI. L'établissement des Bureaux de Douane sur la nouvelle ligne, entraînant des dépenses pour le Roi, et la Délimitation fixée par l'Article I, exigeant la construction ou l'amélioration sur plusieurs points de la route de communication entre la Basse Savoie et le Chablais, une somme de 100,000 Livres de Piémont sera mise par le Canton de Genève à la disposition de Sa Majesté ; cette somme sera payable à Saint Julien dans les 6 mois, qui suivront la signature du présent Traité.

XXII. 2 Commissaires seront immédiatement nommés, l'un par Sa Majesté le Roi de Sardaigne, et l'autre par la Confédération Suisse et le Canton de Genève, pour procéder à l'exécution de la Délimitation ci-dessus, de manière qu'elle soit achevée avant l'échange des Ratifications. Les Commissaires dresseront un Procès-Verbal de leurs opérations, et y joindront un plan topographique par eux signé, de la délimitation totale, avec l'indication des Communes. Les dites Pièces faites à triple original, seront annexées au présent Traité.

XXIII. Les dispositions des anciens Traités, et notamment de celui du 3 Juin, 1754,* auxquelles il n'est pas expressément dérogé par le présent Traité, sont confirmées.

XXIV. Le présent Traité sera ratifié par Sa Majesté, et par la Confédération Suisse et le Canton de Genève, et les Ratifications en seront échangées dans le délai de 3 Mois, ou plutôt si faire se peut.

Aussitôt après l'échange des Ratifications, la remise des Territoires aura lieu réciproquement.

En foi de quoi, les Plénipotentiaires ont signé et apposé le Cachet de leurs Armes.

Fait à Turin le 16 du mois de Mars, de l'An de grâce 1816.

(L. S.) MONTIGLIO.

(L. S.) PROVANA DE COLLEGNO.

(L. S.) C. PICTET DE ROCHEMONT,
Conseiller d'Etat.

* See Wenck. Vol. 3. Page 52.

*ACTE No. II, annexé au Récès Général, conclu à Francfort
le 20 Juillet, 1819.*

*TRAITÉ entre l'Autriche, la Prusse, et le Grand Duché de
Hesse, conclu à Francfort sur le Mein, le 30 Juin, 1816.*

AU NOM DE LA TRÈS SAINTE ET INDIVISIBLE TRINITÉ.

Sa Majesté l'Empereur d'Autriche, Sa Majesté le Roi de Prusse, et Son Altesse Royale le Grand Duc de Hesse, désirant fixer tout ce qui a rapport aux arrangemens territoriaux dont Leurs Majestés étaient préalablement convenues avec Son Altesse Royale par le Traité de Francfort du 23 Novembre, 1813; celui conclu à Vienne le 10 Juin, 1815; et par l'Acte du Congrès du 9 Juin, 1815; et voulant compléter et mettre en exécution les dits arrangemens conformément aux stipulations arrêtées à Paris au mois de Novembre, 1815, Leurs Majestés et Son Altesse Royale ont résolu de conclure à cet effet un Traité Définitif, et ont nommé des Plénipotentiaires pour concerter, arrêter et signer tout ce qui est relatif à ces objets, savoir :

Sa Majesté Impériale et Royale Apostolique, le Sieur Jean Philippe Baron de Wessenberg, Grand'-Croix de l'Ordre Royal de Saint Etienne, Chevalier Grand'-Croix de l'Ordre Militaire et Religieux des Saints Maurice et Lazare, de l'Ordre de l'Aigle Rouge de Prusse, de celui de la Couronne de Bavière, de Saint Joseph de Toscane, de l'Ordre Constantinien de Parme, de la Fidélité de Bade, du Lion d'Or de Hesse, Chambellan et Conseiller intime actuel de Sa dite Majesté Impériale et Royale Apostolique ;

Sa Majesté le Roi de Prusse, le Sieur Charles Guillaume Baron de Humboldt, son Ministre d'Etat et Chambellan, Chevalier du Grand Ordre de l'Aigle Rouge et de celui de la Croix de Fer de Prusse de la 1^{re} Classe, Grand'-Croix des Ordres de Léopold d'Autriche, de Sainte Anne de Russie, de Danebrog de Dannemarc, de la Couronne de Bavière, de la Fidélité de Bade, et du Faucon Blanc de Saxe Weimar ;

Et Son Altesse Royale le Grand Duc de Hesse, le Sieur Henri Guillaume Charles de Harnier, Commandeur Grand'-Croix de l'Ordre de Hesse, Conseiller intime de Son Altesse Royale, Son Envoyé Extraordinaire près la Cour Royale de Bavière, et Son Ministre Plénipotentiaire à la Diète de la Confédération Germanique ;

Et le Sieur Henri Baron de Münch de Bellinghausen, son Conseiller Intime, et Directeur de la Chambre des Finances de la Province de Hesse ;

Lesquels, après avoir échangé leurs Pleins-pouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivans :

ART. I. Son Altesse Royale le Grand Duc de Hesse cède à Sa Majesté le Roi de Prusse le Duché de Westphalie, tel qu'il a été possédé par Son Altesse Royale à l'époque de la signature de l'Acte final

du Congrès de Vienne du 9 Juin, 1815, pour être possédé par Sa Majesté, ses Descendans et Successeurs, en toute propriété et souveraineté.

II. Son Altesse Royale le Grand Duc de Hesse renonce en faveur de Sa Majesté le Roi de Prusse, pour lui, ses Descendans et Successeurs, à tout droit de souveraineté et de féodalité, sur les Comtes de Wittgenstein-Wittgenstein, et de Wittgenstein-Berlebourg.

Ces Possessions seront placées envers la Monarchie Prussienne dans les relations que la Constitution Fédérative de l'Allemagne régle pour les Territoires Médiatisés.

III. Son Altesse Royale le Grand Duc de Hesse cède à Sa Majesté le Roi de Bavière ses droits de souveraineté sur les Bailliages de Miltenberg, Amorbach, et Heubach, et ses droits de propriété et de souveraineté sur le Bailliage d'Alzenau, tels que ces Bailliages étaient à l'époque du 3 Novembre, 1815, pour être possédés par Sa dite Majesté, ses Descendans et Successeurs.

IV. Son Altesse Royale le Grand Duc de Hesse s'engage à remettre Son Altesse Royale l'Electeur de Hesse en possession du Bailliage de Dornheim, et à lui céder, en échange des Bailliages de Rodheim, Ortenberg, et Babenhausen, de la moitié de Vilbel appartenante à Son Altesse Royale l'Electeur et des Communautés de Münzenberg, Traismünzenberg, Assenheim, Heuchelheim, et Burggraefenrode, les Territoires suivans, savoir :

1. Les Endroits de Grossauheim, Grosskrotzenburg, et Oberrodembach, et la moitié de Praunheim appartenante au Grand Duché.

2. Une partie du Pays d'Isenbourg composée des Bailliages (*Gerichte*) de Diebach, Langenselbold, Meerholz, Lieblos, Wächtersbach, Spielberg, et Reichenbach, et de l'Endroit Wolfenborn, le tout d'après les conditions du Traité qui a été signé à Francfort le 29 Juin, 1816, entre les Plénipotentiaires de leurs Altesses Royales l'Electeur et le Grand Duc.

V. Son Altesse Royale le Grand Duc de Hesse s'engage, en exécution de l'Article XLVIII de l'Acte du Congrès de Vienne du 9 Juin, 1815, à réintégrer Son Altesse Sérénissime le Landgrave de Hesse Hombourg dans les possessions, revenus, droits, et rapports politiques, dont il a été privé par la Confédération Rhénane.

Cette réintégration aura lieu en même tems que les Territoires cédés par le présent Traité seront réciproquement remis à leurs nouveaux Possesseurs.

Il sera conclu entre Son Altesse Royale le Grand Duc de Hesse, et Son Altesse Sérénissime le Landgrave de Hesse Hombourg, un Arrangement de Famille à l'effet de concilier les rapports résultans de la présente stipulation avec les Pactes et Récès de Famille existans.

VI. Les Stipulations de l'Article XLIX de l'Acte du Congrès de

Vienne du 9 Juin, 1815, assurant à Son Altesse Sérénissime le Landgrave de Hesse Hombourg une pleine et entière souveraineté, les Hautes Parties Contractantes s'engagent à employer leurs bons offices pour faire obtenir auprès de la Diète de la Confédération Germanique à Son Altesse Sérénissime une voix à l'Assemblée Générale fixée par l'Article VI. de l'Acte Fédératif, ainsi que le droit de participer à une voix collective dans le mode de voter, réglé par l'Article IV du dit Acte.

VII. En retour des cessions et renonciations renfermées dans les Articles I, II, III, IV, et V, Son Altesse Royale le Grand Duc de Hesse, et après lui, ses Descendants et Successeurs, posséderont ;

1. *En toute Souveraineté*, les Territoires du Prince et des Comtes d'Isenbourg, y compris les Villages de Heusenstamm et d'Eppertshausen, toutefois à l'exception des Districts cédés à Son Altesse Royale l'Electeur de Hesse, en vertu de l'Article IV du présent Traité, de même que les Possessions du Comte de Solms-Rödelheim et du Comte d'Ingelheim, qui ont fait partie du ci-devant Département de Francfort ; lesquelles Possessions et Villages seront placés, envers le Grand Duché de Hesse, dans les relations que la Constitution Fédérative de l'Allemagne règle pour les Territoires Médiatisés.

Les rapports des Comtes d'Isenbourg vis-à-vis du Prince d'Isenbourg, seront rétablis sur le pied sur lequel ils existaient avant la Confédération Rhénane ; bien entendu, que tous les droits de Souveraineté appartiendront uniquement à leurs Altesses Royales le Grand Duc et l'Electeur de Hesse, conformément à l'Article IV ci-dessus mentionné.

2. *En Propriété*, les Salines situées dans la Banlieue de Kreuznach, ainsi que les sources salées qui y appartenaient à l'époque de la signature de l'Acte du Congrès de Vienne du 9 Juin, 1815.

La Saline dite *du Munster*, qui est une propriété particulière, est expressément exceptée. La Souveraineté de toutes ces Salines restera à Sa Majesté le Roi de Prusse.

VIII. Son Altesse Royale le Grand Duc de Hesse, et après lui, ses Descendants et Successeurs, posséderont en toute propriété et souveraineté ;

1. Le Cercle d'Alzei, à l'exception du Canton de Kirchheim-Polanden, et les Cantons de Pfeddersheim et de Worms, dans le Cercle de Spire, tels que ces Pays se trouvaient à l'époque de 3 Novembre, 1815, sous l'Administration établie à Worms, et de façon que les limites des Etats Prussiens là où ils confinent au Cercle d'Alzei, restent telles qu'elles sont fixées par l'Article XXV, de l'Acte du Congrès de Vienne du 9 Juin, 1815.

2. La Ville et le Territoire de Mayence, y compris Cassel et Kostheim, à l'exception de tout ce qui constitue la Forteresse, laquelle est déclarée Forteresse de la Confédération Germanique.

IX. Tous les ouvrages, édifices, terrains, et revenus, qui appartiennent à la Forteresse de Mayence, à l'époque de la remise faite aux Troupes Alliées en exécution de la Convention du 23 Avril, 1814, soit que ces revenus fissent partie de sa dotation, soit qu'ils fussent affectés à d'autres objets, seront exceptés de l'Acte de la remise de la Ville de Mayence aux Autorités Grand-Ducales, et resteront exclusivement à la disposition du Gouvernement de la Forteresse, et leur produit fera partie de sa dotation.

X. Il sera nommé, immédiatement après la signature du présent Traité, une Commission, composée d'un ou de plusieurs Employés de Son Altesse Royale le Grand Duc de Hesse, et d'un ou de plusieurs Officiers délégués, *ad hoc*, par le Gouvernement de la Place, pour constater quels sont les édifices et terrains qui, en vertu de l'Article précédent, seront censés former les Dépendances de la Forteresse, et il sera dressé une spécification détaillée de tous ces édifices et terrains, qui servira de norme pour juger toutes les contestations qui pourraient s'élever dans la suite, à cet égard.

La même Commission réglera, en se conformant strictement aux Stipulations du Traité actuel, tous les autres points, qu'il conviendra de fixer entre le Gouvernement Militaire et l'Autorité Civile, tels que le logement des Troupes, les prestations des Bourgeois, les places d'exercice, et autres objets de cette nature.

Cette Commission s'occupera également du choix d'une maison convenable pour le Gouverneur de la Forteresse, la maison teutonique étant réservée à Son Altesse Royale le Grand Duc.

XI. Son Altesse Royale le Grand Duc de Hesse participera au droit de Garnison dans la Forteresse de Mayence, en fournissant à cet effet un Bataillon d'Infanterie.

XII. La Garnison de Mayence sera casernée aussitôt et à mesure que le nombre suffisant de casernes sera réparé et bâti. Ces réparations et bâtisses qui ne tomberont aucunement à charge à Son Altesse Royale comme Souverain Territorial, seront accélérées le plus que faire se pourra. En attendant, la Ville continuera à se charger du logement de la Troupe, en suivant à cet égard le même mode et les mêmes réglemens qui ont subsisté jusqu'ici; toutefois les Hautes Parties Contractantes s'engagent à employer leurs bons offices auprès de la Confédération Germanique, pour qu'il soit alloué à la Ville, à compter du jour de la ratification du présent Traité une bonification convenable de cette charge.

XIII. Le Droit de Souveraineté dans la Ville de Mayence appartenant à Son Altesse Royale le Grand Duc de Hesse, l'administration de la justice, la perception des impositions et contributions de toute espèce, ainsi que toute autre branche de l'Administration Civile, restera exclusivement entre les mains des Employés de Son Altesse Royale, et le Gouverneur et le Commandant leur prêteront secours et assistance

en cas de besoin. Toutefois le Gouvernement Militaire de la Forteresse sera nanti de tous les pouvoirs nécessaires pour lui assurer, conformément à la responsabilité qui repose sur lui, l'exercice libre et indépendant de ses fonctions.

Les Autorités Civiles et Locales lui seront subordonnées pour tout ce qui concerne la défense de la Place et les rapports militaires. Il aura à ce même égard nommément la direction de la Police, de manière, cependant, qu'un Employé Civil de Son Altesse Royale le Grand Duc prendra part aux Conférences du Gouvernement, aussi souvent qu'il s'agira d'objets de cette nature. Les Ordonnances et Réglemens de Police seront publiés par le Gouvernement, sous l'intervention du Président de la Police de la Ville.

La Garde Bourgeoise de la Ville sera, ainsi que cela se pratique dans toutes les Forteresses, placée sous les ordres du Gouvernement Militaire, et ne pourra se rassembler que de son consentement.

Il ne sera mis aucun obstacle à la levée de la Conscription dans la Ville. Le Gouvernement Militaire étant responsable de la défense de la Place, et du maintien de l'ordre intérieur, et jouissant du droit de prendre dans ce but toutes les mesures nécessaires, il pourra aussi placer des avant-postes au-dehors de la Forteresse. En tems de guerre, ou lorsque l'Allemagne sera menacée d'une guerre, et la Forteresse déclarée en état de siège, les pouvoirs du Gouvernement Militaire seront illimités, et n'auront d'autres bornes que la prudence, les usages, et le droit des gens.

XIV. La Garnison, en tant qu'elle n'est point composée de Troupes du Grand Duché, jouira d'une exemption entière de la juridiction Grand-Ducale, du libre exercice de religion, de l'immunité de droits pour les effets militaires, de celle du droit de barrières (*Chaussée Geld*) à une distance de 4 lieues autour de la Forteresse, et de la franchise du port de lettres dans le territoire Grand-Ducal.

Afin d'éviter tout abus, ces exemptions de droit seront réglées d'une manière spéciale par la Commission établie par l'Article X. Il en sera de même pour régulariser la franchise du port de lettres.

XV. Toute vente ou aliénation quelconque de domain qui pourroit avoir été faite dans les Pays cédés, de part et d'autre, par le présent Traité, antérieurement aux époques fixées dans les Articles I, III, V, VII, et VIII, sera maintenue. En échange, toutes celles faites postérieurement à ces époques, seront censées nulles et non avenues. Dans le cas, cependant, où il seroit impossible de revenir sur une aliénation, sans léser les intérêts des particuliers acquéreurs à titre onéreux et légitime, les Parties Contractantes s'obligent à se tenir compte réciproquement du produit de ces aliénations.

XVI. Son Altesse Royale le Grand Duc de Hesse, en réunissant sous sa Souveraineté les Pays désignés dans l'Article VIII, du présent Traité, entre dans tout les droits, et prend à sa charge tous les engage-

mens stipulés relativement aux Provinces et Districts détachés de la France dans le Traité de Paix conclu à Paris le 30 Mai, 1814.

XVII. Son Altesse Royale le Grand Duc s'engage à faire remettre au Gouvernement Prussien, dans le terme de 3 mois, à dater de la ratification du présent Traité, tous les Titres domaniaux, Documens, Cartes, et Papiers, qui auroient rapport au Duché de Westphalie et aux Possessions de Wittgenstein et Berlebourg.

La même remise des Papiers, Documens, et Cartes, aura lieu pour Sa Majesté le Roi de Bavière, Son Altesse Royale l'Electeur de Hesse, et Son Altesse Sérénissime le Landgrave de Hesse Hombourg, à l'égard des Districts qui leur seront remis. Tous les Titres domaniaux, Documens, Cartes, et Papiers, touchant les Pays et objets cédés à Son Altesse Royale le Grand Duc de Hesse, seront remis à ses Commissaires dans le même délai.

XVIII. Les revenus des Domaines situés dans le Duché de Westphalie, jusqu'au 1^{er} Juillet de cette année, déduction faite des dépenses pour les dits Domaines, sont explicitement réservés à Son Altesse Royale le Grand Duc de Hesse, et Sa Majesté le Roi de Prusse s'engage à les faire rentrer avant la fin de l'année. Les arrérages des Impôts directs et indirects sont expressément exceptés de cette stipulation, et restent à Sa Majesté le Roi de Prusse.

Les arrérages des Impôts dans les Pays situés à la rive gauche du Rhin, qui, conformément à l'Article VIII, passent sous la Souveraineté de Son Altesse Royale, resteront, à compter depuis le 16 Juin, 1814 jusqu'au 1^{er} Juillet, de l'année courante, au profit du Gouvernement Grand-Ducal, lequel se charge de satisfaire aux dépenses de l'Administration qui se trouveront affectées aux dits arrérages.

Les arrérages des 4 Bailliages cédés à Sa Majesté le Roi de Bavière, en vertu de l'Article III, sont réservés jusqu'au 1^{er} Juillet de la présente année à Son Altesse Royale le Grand Duc de Hesse.

XIX. Les Dettes constituées sur le Duché de Westphalie provenant de l'Electorat de Cologne, ainsi que celles contractées pour son Administration particulière, restent à la charge du dit Duché.

Il en est de même des pensions affectées à la possession de ce Pays par le Récès de l'Empire de 1803, ainsi que de la Rente de 15 000 florins, assise sur ce Duché en faveur du Prince de Wittgenstein-Berlebourg.

Quant aux dettes et charges originairement étrangères au Duché de Westphalie, mais transférées sur ce Pays, les Hautes Parties Contractantes sont convenues que Sa Majesté le Roi de Prusse se chargera uniquement de la somme de 500,000 florins provenant des dettes du Comté de Hanau-Lichtenberg, et convertie en obligations spécialement hypothéquées sur le Duché de Westphalie, datées du 1^{er} Avril, 1810.

Les Dettes (*Landes-und Kamerschulden*) et Pensions, dont le Grand Duché de Hesse a été chargé par l'acquisition des Bailliages

d'Algenau, Amorbach, Miltenberg, et Heubach, passent au nouveau Possesseur, pour autant qu'elles n'ont pas été acquittées par le Gouvernement Grand-Ducal.

Les dettes constituées sur la Principauté d'Isenbourg, restent à la charge du dit Pays. Son Altesse Royale se charge de la moitié des dettes particulières du Prince actuel d'Isenbourg. Il sera nommé une Commission par Sa Majesté Impériale et Royale Apostolique, et Son Altesse Royale le Grand Duc de Hesse, pour reconnoître l'état de ces dettes, et pour en régler le partage.

Les droits de succession de Famille qui pourraient, en vertu de l'Article 45 du Récès principal de la Députation de l'Empire du 25 Février 1803,* avoir été transférés sur le Duché de Westphalie, sont portés sur les Districts donnés par l'Article VIII. du présent Traité à Son Altesse Royale le Grand Duc, en indemnité et en échange, comme équivalent du dit Duché.

XX. Les Troupes tirées du Duché de Westphalie et des Possessions de Wittgenstein-Wittgenstein, et Wittgenstein-Berlebourg, ainsi que celles tirées des 4 Bailliages cédés à Sa Majesté le Roi de Bavière, en vertu de l'Article III, resteront réunies au corps d'armée de Son Altesse Royale le Grand Duc pendant l'espace de 2 mois, après lequel terme les Soldats et Bas-Officiers devront retourner dans leurs foyers. Les Officiers en activité pourront choisir, durant le même terme, auquel de ces services respectifs ils préféreront de rester. Ceux qui sont en état de pension, et natifs du Duché de Westphalie, ou qui ont passé de l'Electorat de Cologne et des Comtés de Wittgenstein, resteront à la charge de Sa Majesté Prussienne.

Son Altesse Royale le Grand Duc de Hesse se charge des Troupes du Pays d'Isenbourg, pour la partie réunie au Grand Duché.

XXI. Tous les Officiers Civils employés dans l'Administration du Duché de Westphalie, des Comtés de Wittgenstein, et des 4 Bailliages cédés à Sa Majesté le Roi de Bavière, tant ceux qui sont en activité de service que les pensionnés, passent aux nouveaux Possesseurs. Cette stipulation s'applique réciproquement aux Districts et objets cédés à Son Altesse Royale le Grand Duc de Hesse, et Son Altesse Royale se charge nommément des Pensionnaires qui sont assignés sur la partie du Département du Mont Tonnerre réunie par le présent Traité au Grand Duché. Elle s'applique de même aux salines de Kreuznach, à l'exception du Commissaire Prussien qui en a la direction aujourd'hui.

XXII. Le sel des salines de Kreuznach ne sera grevé d'aucun impôt, ni redevances quelconques, ni à sa fabrication, ni à son exportation. Sont également libres de tout droit d'importation, les bois, charbons, et autres articles servant à l'exploitation, aux constructions et réparations. Mais cette liberté et immunité ne s'étendra

* See Martens' Supplement. Vol. 3. Page 307.

pas sur les relations et impositions personnelles des individus employés à la fabrication du sel, ou à l'inspection des salines, qui sont Sujets Prussiens. Les individus qui ne seraient point originairement Sujets Prussiens, mais habiteraient les salines, seront soumis aux mêmes Lois, et censés être dans les mêmes rapports que d'autres Etrangers domiciliés dans la Monarchie Prussienne.

Le sel fabriqué dans les salines cédées à Son Altesse Royale le Grand Duc, sera regardé dans les Etats Prussiens comme sel étranger, et sera, comme tel, soumis à toutes les impositions et à tous les réglemens qui existent dans la Monarchie Prussienne actuellement, ou pourraient exister à la suite relativement aux sels étrangers.

Afin d'empêcher que la différence du prix des sels dans les Etats Hessois sur la rive gauche du Rhin, de celui dans les Etats Prussiens sur la même rive, ne favorise l'importation frauduleuse des sels des salines de Kreuznach dans le Grand Duché du Bas Rhin, le Gouvernement Grand-Ducal conviendra avec les Autorités Prussiennes, de la fixation d'un prix qui sera renouvelé de 10 en 10 ans. On conviendra également du contrôle nécessaire pour empêcher la contrebande, tant relativement à l'exportation des sels, qu'à l'importation du matériel nécessaire à la fabrication, aux bâtisses, et aux réparations.

Sa Majesté Prussienne s'engage à ne faire établir dans la banlieue de Kreuznach, aucune nouvelle saline qui puisse nuire à l'exploitation de celles cédées à Son Altesse Royale le Grand Duc, soit sous le rapport des sources, soit sous celui des eaux, de la Nahe.

Les provisions en bois et charbons qui se trouvent dans les magasins le jour de la remise, resteront au Gouvernement Prussien pour les céder à l'Administration Grand-Ducale. Si ces objets n'ont point encore été payés par le Gouvernement Prussien, l'Administration Grand-Ducale entrera dans les contrats passés sur ces objets par le dit Gouvernement. Dans le cas contraire, l'Administration en remboursera au Gouvernement Prussien, le prix coûtant dans le délai de 6 mois. Les provisions de sel resteront à la disposition du Gouvernement Prussien.

XXIII. Le Gouvernement Grand-Ducal de Hesse aura la faculté de faire transporter les quantités de charbons et de bois nécessaires à l'approvisionnement des salines de Kreuznach par les Etats de la Prusse, sans éprouver aucune gêne à cet égard, et en ne payant que les droits ordinaires de passage et de flottage, en observant toutefois les Ordonnances et Réglemens de Police existans à cet égard. Les droits de flottage sur la Nahe ne seront point augmentés pour les dits objets au delà du Tarif actuel.

Sa Majesté l'Empereur d'Autriche, et Sa Majesté le Roi de Prusse, s'engagent à employer leur intervention la plus suivie afin de procurer au Gouvernement Grand-Ducal de Hesse les mêmes facilités pour le

transport et le flottage du bois et des charbons par les Etats Bava-rois de Kaiserslautern jusqu'à Kreuznach.

XXIV. Son Altesse Royale le Grand Duc de Hesse consent à ce que la Prusse ait une route militaire par ses Etats, pour les Troupes qui passent d'Erfurt par Eisenach, Hersfeld, Giessen, et Wetzlar, à Cob-lence, et que celles qui viennent de Mayence, ou qui y sont destinées, prennent la route de Coblençe par Bingen.

La Convention à conclure dans l'espace de 3 mois sur cet objet, se réglera d'après ce qui sera convenu à l'égard des routes militaires Prussiennes qui passent par les Etats du Roi d'Hannovre et de l'Elec-teur de Hesse. La même Convention réglera les places d'étapes sur ces routes.

Il est convenu que le règlement d'une route d'étapes pour les Troupes Autrichiennes, destinées à faire partie de la Garnison de Mayence, est réservé à une Convention particulière entre les Gou-vernemens respectifs.

Son Altesse Royale le Grand Duc de Hesse consent également à ce que la Bavière ait une route militaire par ses Etats pour les Troupes qui passent des Provinces Bava-roises à la rive droite du Rhin dans celles nouvellement acquises sur la rive gauche de ce fleuve. Ce qui concerne les places d'étapes, les moyens d'entretien et de transport, et autres objets d'administration, sera réglé par une Convention particu-lière entre Sa Majesté le Roi de Bavière et Son Altesse Royale le Grand Duc de Hesse.

XXV. La remise de tous les Districts et Territoires cédés et trans-férés mutuellement par les Articles I, II, III, IV, V, VII et VIII du présent Traité, se fera le 7 Juillet de cette année, au moyen de Procès Verbaux qui seront dressés à Francfort, et signés par les Plénipoten-tiaires des différens Princes, sous la souveraineté desquels ces Districts passeront. Ces Procès Verbaux seront suivis immédiatement après de la mise en possession réelle. La remise des salines de Kreuznach et de leurs dépendances se fera de la même manière, et les Autorités Grand-Ducales recevront ces salines avec les mêmes titres, droits, et prétentions relatifs à la propriété des dites salines, ainsi qu'avec les outils et ustensiles servant à l'exploitation, avec lesquels elles ont passé au Gouvernement Prussien.

L'exploitation de ces salines, à commencer du 1^{er} Juillet de cette année, sera pour le compte de Son Altesse Royale.

XXVI. Sa Majesté l'Empereur d'Autriche et Sa Majesté le Roi de Prusse garantissent à Son Altesse Royale le Grand Duc de Hesse, la souveraineté pleine et entière de ses Etats ainsi que l'intégrité de ses Possessions, dans l'état où elles se trouvent d'après le présent Traité.

XXVII. Le présent Traité sera ratifié, et les Ratifications en seront échangées à Francfort dans le terme de 6 semaines, ou plutôt si faire se peut.

En foi de quoi, les Plénipotentiaires respectifs l'ont signé, et l'ont muni du Cachet de leurs Armes.

Fait à Francfort sur le Mein, le 30 Juin, 1816.

(L.S.) WESSENBERG.

(L.S.) HARNIER.

(L.S.) LE BARON DE HUMBOLDT.

(L.S.) LE BARON DE
MÜNCH.

*ACTE No. III, annexé au Récès Général conclu à Francfort,
le 20 Juillet, 1819.*

*TRAITÉ entre la Grande Bretagne et le Grand Duché de
Hesse, conclu à Francfort sur le Mein, le 30 Juin, 1816.*

AU NOM DE LA TRÈS SAINTE ET INDIVISIBLE TRINITÉ.

SA Majesté le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, voulant prouver son entière participation aux arrangements territoriaux discutés, agréés, et arrêtés, d'un commun accord, dans les Conférences de Francfort sur le Mein, entre son Plénipotentiaire et ceux de leurs Majestés Impériales et Royales l'Empereur d'Autriche, l'Empereur de Russie, de Sa Majesté le Roi de Prusse, et de Son Altesse Royale le Grand Duc de Hesse, et animé en même tems du désir de donner un nouveau témoignage d'amitié à Son Altesse Royale, en se prêtant à son vœu de voir signer directement avec elle, un Traité conforme aux arrangements en question, Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, et Son Altesse Royale le Grand Duc de Hesse, ont nommé à cet effet des Plénipotentiaires, savoir : Sa dite Majesté, le Très Honorable Richard le Poer Trench, Comte de Clancarty, Vicomte Dunlo, Baron Kilconnel, Baron Trench de Garbally du Royaume Uni de la Grande Bretagne et d'Irlande, Membre du Très Honorable Conseil Privé de la Grande Bretagne et aussi d'Irlande, Président du Comité du Premier pour les affaires de Commerce et des Colonies, Colonel du Régiment de Milice du Comté de Galway, Ambassadeur Extraordinaire et Ministre Plénipotentiaire auprès de Sa Majesté le Roi des Pays Bas, et Chevalier Grand'-Croix du Très Honorable Ordre du Bain ;

Et son Altesse Royale le Grand Duc de Hesse, le Sieur Henri Guillaume Charles de Harnier, Commandeur Grand' Croix de l'Ordre de Hesse, Conseiller Intime de Son Altesse Royale, son Envoyé Extraordinaire près la Cour Royale de Bavière, et son Ministre Plénipotentiaire à la Diète de la Confédération Germanique ; et le Sieur Henri Baron de Münch de Bellinghausen, son Conseiller Intime, et Directeur de la Chambre des Finances de la Province de Hesse. Lesquels, après avoir échangé leurs Pleins-pouvoirs, trouvés en bonne et due forme, ont arrêté et signé les Articles suivans :

[Les Articles I, jusqu'au XXV, inclusivement, sont littéralement conformes au Traité entre l'Autriche, la Prusse, et le Grand Duché de Hesse, du 30 Juin, 1816, annexé sub No. II.]

XXVI. Le présent Traité sera ratifié, et les Ratifications seront changées à Francfort dans le terme de 2 mois, ou plutôt si faire se peut.

En foi de quoi, les Plénipotentiaires respectifs l'ont signé et l'ont muni du Cachet de leurs Armes.

Fait à Francfort sur le Mein, le 30 Juin, de l'an de Grâce, 1816.

(L.S.) CLANCARTY.

(L.S.) HARNIER.

(L.S.) MÜNCH.

ACTE No. IV, annexé au Récès Général, conclu à Francfort, le 20 Juillet, 1819.

TRAITÉ entre la Prusse et les Pays Bas, conclu à Francfort sur le Mein, le 8 Novembre, 1816.

AU NOM DE LA TRÈS SAINTE ET INDIVISIBLE TRINITÉ.

Sa Majesté le Roi de Prusse, et Sa Majesté le Roi des Pays Bas, Grand Duc de Luxembourg, désirant d'un commun accord avec Leurs Majestés l'Empereur d'Autriche, le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, et l'Empereur de toutes les Russies, donner suite par un Traité particulier aux Articles et Stipulations du Traité de Paix conclu à Paris le 20 Novembre, 1815, tant à celles qui regardent le Royaume des Pays Bas qu'à celles qui concernent le Grand Duché de Luxembourg; Sa Majesté le Roi des Pays Bas, agissant en sa double qualité de Roi et de Grand Duc, et Leurs Majestés, voulant en faire l'application à tout ce qui concerne leurs intérêts réciproques, et consolider les arrangemens qui en dérivent, ont nommé à cet effet les Plénipotentiaires suivans, savoir:

Sa Majesté le Roi de Prusse, le Sieur Charles Guillaume Baron de Humboldt, son Ministre d'Etat et Chambellan, Chevalier du Grand Ordre de l'Aigle Rouge, et de celui de la Croix de Fer de Prusse de la 1^{re} Classe, Grand'-Croix des Ordres de Léopold d'Autriche, de Sainte Anne de Russie, du Danebrog de Dannemarc, de la Couronne de Bavière, de la Fidélité de Bade, et du Faucon Blanc de Saxe Weimar;

Et Sa Majesté le Roi des Pays Bas, Grand Duc de Luxembourg, le Sieur Hans Christophe Erneste Baron de Gagern, son Envoyé Extraordinaire et Ministre Plénipotentiaire près la Diète Germanique, et la Ville libre de Francfort, Commandeur de l'Ordre Royal du Lion Belgique, Grand'-Croix des Ordres du Lion de Hesse, de la Fidélité

de Bade, et du Faucon Blanc de Saxe Weimar. Lesquels, après avoir échangé leurs Pleins-pouvoirs, trouvés en bonne et due forme, ont signé, et arrêté, les Articles ci-après.

ART. I. Sa Majesté le Roi des Pays Bas, Grand Duc de Luxembourg, possédera pour Lui, ses Descendans et Successeurs, en pleine propriété et souveraineté, tous les Districts qui, ayant fait partie en 1790 de la ci-devant Belgique, de l'Evêché de Liège, et du Duché de Bouillon, ont été cédés par la France aux Puissances Alliées par le Traité conclu à Paris le 20 Novembre, 1815, ainsi que les Territoires enclavés, avec les Places de Philippeville et de Marienbourg cédés par le même Traité.

Par suite de cette disposition, les limites des Etats de Sa Majesté le Roi des Pays Bas, Grand Duc de Luxembourg, et celles de la France, à commencer de la Mer du Nord, resteront telles qu'elles ont été fixées par le Traité de Paix de Paris du 30 Mai 1814, jusque vis-à-vis de Quiévrain.

De Quiévrain la ligne de démarcation suivra les anciennes limites extérieures de la Belgique du ci-devant Evêché de Liège et du Duché de Bouillon, jusqu'à Villers près d'Orval, comme elles étaient en 1790, en y comprenant la totalité de ces Pays, et spécialement les Places et Territoires de Philippeville et de Marienbourg, conformément aux Stipulations du 1^{er} Article du dit Traité du 20 Novembre 1815, et sans autrement changer les limites du Royaume des Pays Bas et du Grand Duché de Luxembourg, qui seront conservées telles qu'elles ont été fixées par le Traité de Vienne du 31 Mai 1815, lequel, dans tous les autres points, est pleinement confirmé.

II. Une partie des Indemnités pécuniaires que Sa Majesté Très Chrétienne s'est engagée de payer, par l'Article IV. du Traité de Paris du 20 Novembre 1815, étant destinée, en vertu des arrangemens faits à Paris entre les Puissances Alliées, à renforcer la ligne de défense des Etats limitrophes de la France, Sa Majesté le Roi des Pays Bas, Grand Duc de Luxembourg, recevra, pour cet effet, la Somme de 60,000,000 Francs.

Sa Majesté le Roi des Pays Bas, Grand Duc de Luxembourg, s'engage à employer cette somme aux ouvrages nécessaires à la défense des Frontières de Ses Etats, conformément au système adopté, et au concert pris à cet égard entre les Puissances Alliées, au Protocole de la Conférence de Leurs Ministres du 21 Novembre 1815, annexé au présent Traité, et qui aura la même force et valeur comme s'il était textuellement inséré au présent Traité.

III. Sa Majesté le Roi des Pays Bas, Grand Duc de Luxembourg, reconnaissant à justes titres les avantages qui résultent des dispositions précédentes, tant pour l'accroissement que pour les moyens de défense de son Territoire, renonce, pour les sommes stipulées dans l'Article IV.

du Traité de Paris du 20 Novembre 1815, à la quote part à laquelle elle pourrait prétendre à titre d'indemnité, et qui est fixée par le Protocole de la Conférence du 20 Novembre 1815, au total de 21,264,832 francs, 22½ centimes. Sa Majesté adhère au principe que cette quote part serve à compléter les Indemnités de l'Autriche et de la Prusse, et soit partagée en parties égales entre ces 2 Puissances.

IV. L'Article III du Traité conclu à Vienne le 31 Mai 1815, et l'Article LXVII de l'Acte du Congrès de Vienne, ayant stipulé que la Forteresse de Luxembourg serait considérée comme Forteresse de la Confédération Germanique, cette disposition est maintenue et expressément confirmée par la présente Convention. Cependant Sa Majesté le Roi de Prusse, et Sa Majesté le Roi des Pays Bas, agissant en sa qualité de Grand Duc de Luxembourg, voulant adapter le reste des dispositions des dits Articles aux changemens survenus par le Traité de Paris du 20 Novembre 1815, et pourvoir, de la manière la plus efficace, à la défense combinée de leurs Etats respectifs, leurs Majestés sont convenues de tenir garnison commune dans la Forteresse de Luxembourg, sans que cet arrangement, fait uniquement sous le rapport militaire, puisse altérer en rien le droit de Souveraineté de Sa Majesté le Roi des Pays Bas, Grand Duc de Luxembourg, sur la Ville et Forteresse de Luxembourg.

V. Sa Majesté le Roi des Pays Bas, Grand Duc de Luxembourg, cède à Sa Majesté le Roi de Prussie le droit de nommer le Gouverneur et le Commandant de cette Place, et consent à ce que tant la Garnison en général que chaque arme en particulier, soit composée pour les trois quarts de Troupes Prussiennes, et pour un quart de Troupes des Pays Bas, renouçant ainsi au droit de nomination que l'Article LXVII de l'Acte du Congrès de Vienne assurait à Sa Majesté.

Ces Troupes seront soldées et équipées aux frais de leurs Gouvernemens respectifs. Il en sera de même pour leur nourriture lorsque la Forteresse ne sera pas déclarée en état de siège. Dans ce cas, la garnison se nourrira des magasins de la Forteresse, et il sera suppléé à son approvisionnement d'après les principes établis à l'Article XIV.

VI. Le droit de souveraineté appartenant, dans toute sa plénitude, à Sa Majesté le Roi des Pays Bas, Grand Duc de Luxembourg, dans la Ville et Forteresse de Luxembourg, comme dans tout le reste du Grand Duché, l'administration de la justice, la perception des impositions et contributions de toute espèce, ainsi que toute autre branche de l'Administration Civile, restera exclusivement entre les mains des Employés de Sa Majesté, et le Gouverneur et le Commandant leur prêteront secours et assistance en cas de besoin.

De l'autre côté, le Gouverneur sera nanti de tous les pouvoirs nécessaires pour lui assurer, conformément à la responsabilité qui repose

sur lui, l'exercice libre et indépendant de ses fonctions, et les Autorités Civiles et Locales lui seront subordonnées pour tout ce qui concerne la défense de la Place.

Pour éviter néanmoins tout conflit entre l'Autorité Militaire et Civile, Sa Majesté le Roi des Pays Bas, Grand Duc de Luxembourg, nommera un Commissaire Spécial, qui servira d'intermédiaire entre le Gouverneur et les Autorités Civiles, et recevra les directions du dit Gouverneur dans les affaires de Police, en tant qu'elles se lient aux rapports militaires et à la défense de la Place.

Le Gouverneur pourra pour le même objet, et toujours, dans les limites qui viennent d'être énoncées, déléguer, de sa part, une personne à son choix; et ces 2 Employés formeront une Commission Mixte.

Mais en cas de Guerre, ou si l'une ou l'autre des 2 Monarchies de Prusse ou des Pays Bas était menacée d'une Guerre, et que la Forteresse fût déclarée en état de siège, les pouvoirs du Gouverneur seront illimités, et n'auront d'autres bornes que la prudence, les usages, et le droit des gens.

Si, finalement, la Diète de la Confédération Germanique venait à décider que les Gouverneurs et Commandans des Forteresses de la Ligue devront être assermentés, le Gouverneur et le Commandant de la Forteresse de Luxembourg prêteront le serment d'après la formule qui en sera rédigée par la Diète.

VII. La force de la Garde Bourgeoise de la Ville de Luxembourg sera, conformément à la Loi du Royaume des Pays Bas du 28 Juin, 1815, dans la proportion de 3 à 100, la Population totale de la Ville comptée; et elle ne pourra, dans aucun cas, et sous aucune dénomination, dépasser ce nombre. Elle ne montera la garde que lorsqu'il n'y aura pas de Garnison dans la Place, et son service, lorsqu'elle ne sera point appelée à prêter main forte à la défense de la Forteresse, se bornera à maintenir le repos public, et à garantir les possessions de ses Concitoyens principalement en cas d'incendie.

Toutes les fois qu'elle devra faire un pareil ou autre Service Militaire quelconque, elle sera soumise aux ordres du Gouverneur de la Forteresse, sans le consentement duquel elle ne pourra se rassembler ni pour l'exercice, ni pour le service réel. La Place de Luxembourg étant une Forteresse de la Confédération Germanique, les Hautes Parties Contractantes placent en réserve expresse, toutes les dispositions dont la Confédération conviendrait pour les Gardes Bourgeoises dans toutes les Forteresses de la Ligue, soit en général, soit en particulier, relativement au serment qui seroit exigé d'elle.

VIII. Le cas de Guerre échéant, ou la Guerre devenant imminente, il résulte du devoir et de la responsabilité du Gouverneur qu'il pourra exercer au dehors de la Forteresse, autant que les dispositions militaires qu'il aura à faire l'exigeront, les mêmes pouvoirs dont il est investi

dans l'intérieur de la Place. Si en tems de Paix, il jugeoit nécessaire d'ordonner des Patrouilles, ou de placer des avant-postes, ces Troupes ne pourront faire aucune réquisition ni être à la charge des Habitans.

IX. La Garnison de la Forteresse qui sera placée directement sous les ordres du Gouverneur consistera, en tems de paix, en 6,000 hommes; cependant Sa Majesté le Roi de Prusse, et Sa Majesté le Roi des Pays Bas, Grand Duc de Luxembourg, sont convenus, pour le moment, et aussi long tems que les Troupes Alliées occuperont une partie de la France, de se borner à 4,000 hommes seulement, dont 3,000 seront fournis par la Prusse, et 1,000 par les Pays Bas.

X. Sa Majesté le Roi des Pays Bas, Grand Duc de Luxembourg, consent à ce que le Commandant de l'Artillerie, et celui du Génie de la Place, soient nommées par la Prusse, sous la réserve qu'il nommera de son côté 2 Officiers de ces armes qui seront particulièrement responsables à Sa Majesté.

Les attributions de ces 4 Officiers seront les suivantes:—Le Commandant de l'Artillerie disposera librement du matériel; il en ordonnera la distribution, en tems de paix, et l'usage en tems de guerre; bien entendu qu'aucune pièce ne pourra être ôtée de la Forteresse. Il sera également chargé de veiller à ce que le matériel et les munitions soient dans l'état stipulé par le Traité.

L'Officier d'Artillerie des Pays Bas veillera à la conservation et à l'entretien du matériel. Comme le nombre des bouches à feu, l'état des affûts et de tous les objets appartenans au matériel, ainsi que la quantité de munition, seront déterminés à la suite des dispositions de la présente Convention, l'inventaire qui en sera dressé, servira de norme à ces 2 Officiers. L'Officier au service des Pays Bas recevra les états de changement, et exercera le contrôle des objets qui seront délivrés de l'arsenal et du magasin par ordre du Commandant de l'Artillerie.

Le Commandant du Génie et l'Ingénieur au service des Pays Bas partageront ensemble le soin de veiller à la conservation des ouvrages, et conviendront, d'un commun accord, des réparations et nouvelles bâtisses qu'il sera nécessaire de faire. Mais ces travaux une fois arrêtés, le Commandant du Génie en tracera seul le plan détaillé, et en dirigera l'exécution. Si, cependant, on n'adoptait point le mode établi dans les Pays Bas, qui est l'adjudication des travaux publics au rabais, l'Ingénieur des Pays Bas devra concourir aux marchés qui seront conclus avec les entrepreneurs ou les ouvriers.

Toutes les discussions qui pourraient s'élever seront décidées par une Commission Mixte, sous la direction du Gouverneur. Ces dispositions relatives aux réparations et à l'entretien journalier des ouvrages, ne dérogeront en rien aux stipulations de l'Article XIII, qui se rap-

portent à un plan premier des ouvrages, de fortification en général, et à l'inspection de ces travaux, après qu'ils seront terminés.

XI. La partie Prussienne de la Garnison jouira du libre exercice de religion, et la Ville lui fournira, sur la demande du Gouverneur, un local adapté à cet usage.

XII. Les Hautes Parties Contractantes ayant jugé nécessaire de mettre le Gouverneur de la Place en état de renforcer, si les circonstances l'exigeroient, sans délai, la Garnison, il sera formé une Milice de 8,000 hommes, savoir, 6,000 pour la Prusse, et 2,000 pour les Pays Bas, dans les Arrondissemens des 2 Monarchies les plus rapprochés de la Forteresse, pour que le Gouverneur puisse en disposer à chaque instant. Cette Milice sera, des 2 côtés, composée de gens propres aux combats, exercés, et bien armés.

Les 2,000 hommes à fournir par les Pays Bas seront immédiatement mis à la disposition du Gouverneur militaire de la Forteresse de Luxembourg, dès que réquisition en sera faite par lui au Général au service des Pays-Bas, commandant dans le Grand Duché de Luxembourg, lequel se trouvera muni à toutes les époques, de l'ordre éventuel d'effectuer cette mesure.

XIII. On s'occupera incessamment du rétablissement entier et parfait des Fortifications. Le Gouvernement Prussien et celui des Pays Bas s'engagent à l'achever, pendant le tems fixé par le Traité de Paris du 20 Novembre, 1815, à l'occupation d'une partie de la France par les Armées Alliées. Après ce rétablissement, on dressera un plan régulier pour assurer l'entretien des ouvrages. Les travaux arrêtés d'après ce plan, et approuvés par les 2 Gouvernemens, seront exécutés sous la direction du Gouverneur, à l'aide d'un Commissaire de Sa Majesté le Roi des Pays-Bas, Grand Duc de Luxembourg.

Les fonds nécessaires pour ces travaux seront remis à une Commission mixte placée sous la direction du Gouverneur. La même Commission donnera également décharge pour les sommes employées aux dits travaux qui, à la clôture des comptes de chaque année, seront inspectés par un Officier Prussien, et un Officier des Pays Bas.

XIV. L'approvisionnement de la Place relatif aux subsistances et aux hôpitaux, devra être assuré pour 10,000 hommes et pour 1 année. Mais afin de rendre cette charge moins onéreuse en la divisant, et prenant en considération les années d'occupation d'une partie de la France, on se bornera, pour le moment, à assurer un approvisionnement pour 6,000 hommes. On y ajoutera chaque année celui pour 1,000 hommes en sus, de façon qu'au bout de 4 ans, l'approvisionnement pour 10,000 hommes sera complet. L'approvisionnement en objets de munition de tout genre sera proportionné à la grandeur de la Place, et au nombre de la garnison en tems de guerre.

XV. Afin que le service de la Place ne puisse jamais être interrompu par le manque des fonds nécessaires, il sera créé un fond de

dotation, qui sera fourni annuellement, et sur lequel il sera établi une comptabilité exacte, pour qu'à la fin de chaque année, il en soit rendu compte aux 2 Gouvernemens. Ce fond servira également au payement des salaires des Employés qui, tels que les Inspecteurs des magasins, des remparts, et autres Employés, n'appartiennent pas proprement à la Garnison, mais à la Forteresse même, ainsi qu'à couvrir les fraix de bureau, et autres dépenses de ce genre.

XVI. La Place de Luxembourg étant Forteresse de la Confédération Germanique, et les Gouvernemens de Prusse et des Pays Bas ne pouvant en conséquence être censés avoir l'obligation de l'entretenir exclusivement à leurs fraix pour la défense commune, la question de son entretien, sous les modifications spécifiées dans les Articles précédens, est expressément réservée aux discussions de la Diète.

XVII. Le service des douanes respectives ne pourra point être troublé ou interrompu par les passages de Troupes. Les effets d'équipement et d'habillement, ainsi que les autres objets nécessaires à la Garnison Prussienne de la Forteresse de Luxembourg, ou appartenant aux Troupes en marche, seront libres de tout droit d'entrée et de sortie, mais il devra être duement constaté par les Autorités compétentes, qu'ils sont destinés au dit usage, ou qu'ils forment la propriété des dites Troupes.

XVIII. La partie Prussienne de la Garnison jouira de la franchise du port de lettres sur les routes de Trèves et de Sarrebruck. Quant aux taxes de barrières sur les routes du Grand Duché de Luxembourg, qui sont barrières de l'Etat, et non propriété communale ou particulière, les militaires Prussiens appartenans à la Garnison de la Place jouiront des mêmes avantages que ceux des Pays Bas, et seront, à une distance de 4 lieues autour de la Place toujours censés être en service, lorsqu'ils se présenteront en uniforme.

XIX. Les Hautes Parties Contractantes se réservent de conclure incessamment, et au plus tard dans le terme de 3 mois à compter du jour de la ratification du présent Traité, une Convention Séparée, relativement aux routes militaires par leurs Etats respectifs. En attendant, elles consentent provisoirement que les Troupes Prussiennes allant à Luxembourg, ou venant de cette Forteresse, ainsi que celles qui appartiennent, ou qui sont destinées au corps d'armée stationné en France, se servent de la route militaire existante actuellement de Grevenmachern à Luxembourg, et de là vers les Frontières de la France, et que les recrues Suisses et Allemandes destinées aux Bataillons à la solde du Royaume des Pays Bas, prennent la route de Coblençe à Liège et Maestricht. Tout ce qui a rapport aux prix et au payement des fournitures qui devront être faites à ces Troupes, recevra plus tard l'application des dispositions et conditions de la Convention future, qui aura, à cet égard, un effet rétroactif.

XX. Le Traité conclu avec Sa Majesté le Roi des Pays Bas, Grand Duc de Luxembourg, à Vienne le 31 Mai, 1815, ainsi que

tous les Articles de l'Acte du Congrès de Vienne du 9 Juin, 1815, qui concernent les intérêts de Sa Majesté, ou qui ont été stipulés avec Elle, sont confirmés dans tous les points et toutes les dispositions qui n'ont pas été expressément changés par la présente Convention.

XXI. La présente Convention sera ratifiée, et les Actes de Ratification en seront échangés dans le terme de 2 mois, ou plutôt si faire se peut.

En foi de quoi les Plénipotentiaires respectifs l'ont signé, et y ont apposé le Cachet de leurs Armes.

Fait à Francfort sur le Mein, ce 8 Novembre, l'an de Grâce 1816.
(L. S.) LE BARON DE HUMBOLDT.

(L. S.) LE BARON DE GAGERN.

(*Annexe*)—*Procès Verbal de la Conférence du 21 Novembre, 1815.*

MESSIEURS les Ministres des 4 Cours ont pris en considération les principes à établir sur l'emploi de cette partie des contributions payables par la France, qui, d'après leurs dispositions générales consignées dans le Procès Verbal du 6 Novembre, 1815, doit être consacré au renforcement de la ligne défensive des Pays limitrophes de la France. Leurs Excellences ont reconnu que ce n'est pas l'avantage particulier de l'un ou de l'autre Etat, mais la sûreté commune, et l'intérêt de tout ce que l'on a eu en vue, en adoptant ce système essentiellement Européen, et que, par conséquent, les Puissances qui y ont concouru, doivent avoir un droit égal à en surveiller réciproquement l'exécution, et à prendre connoissance, d'époque en époque, des progrès qui auront été faits dans l'application des fonds destinés à un objet d'aussi haute importance.

On a été en outre d'avis, que pour obtenir une marche régulièrement combinée, et mettre de l'ensemble dans l'exécution de cette mesure, il serait utile de confier à celles des Grandes Puissances qui se trouveront le plus à portée de telle ou telle partie des travaux, à entreprendre le soin de se concerter avec les Souverains directement intéressés à ces travaux, afin de combiner le plan des opérations à faire, et les moyens les plus convenables pour les mettre en pratique.

A cet effet, Messieurs les Ministres sont convenus, que le Gouvernement Britannique se réunira avec celui des Pays Bas, pour déterminer conjointement l'emploi spécial des sommes destinées à la Fortification de ce Pays ;

Que relativement au système défensif de l'Allemagne, les Cours d'Autriche et de Prusse se concerteront, tant entre elles, qu'avec ceux des Souverains sur les Territoires desquels de nouveaux ouvrages défensifs seront à construire, sur les plans à adopter, et la marche à suivre, pour ces constructions ;

Que relativement aux Fortifications de la Savoie, le Gouvernement Autrichien se mettra avec celui de Sa Majesté le Roi de Sardaigne,

dans les mêmes rapports dans lesquels le Gouvernement Britannique se trouve à cet égard avec celui des Pays Bas ;

Que, quant à l'Espagne, les Puissances se réservent de s'entendre avec cette Cour, en conformité des principes établis ici, et comme il a paru indispensable à leurs Excellences, que les opérations qui vont être projetées et exécutées se rattachent à un système général, et soient, autant que possible, liées entr'elles, on est convenu encore, que des communications fréquentes auront lieu entre les Cabinets, afin de porter à leur connoissance respective, les différentes mesures qui auront été adoptées pour assurer le succès des dites opérations, et l'emploi le plus avantageux des sommes qui y seront consacrées.

Le présent Procès Verbal servira uniquement à constater l'unanimité d'avis de Messieurs les Ministres sur le principe de la question qui y est traitée, et à former la base des instructions qui seront données, à cet égard, aux Ministres des différentes Cours.

METTERNICH. CASTLEREAGH. HARDENBERG.
RASOUMOFFSKY. CAPODISTRIAS.

*ACTE No. V, annexé au Récès Général conclu à Francfort,
le 20 Juillet, 1819.*

*TRAITÉ entre la Grande Bretagne et les Pays Bas, conclu à
Francfort sur le Mein, le 16 Novembre, 1816.*

AU NOM DE LA TRÈS-SAINTÉ ET INDIVISIBLE TRINITÉ.

Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, et Sa Majesté le Roi des Pays Bas, Grand Duc de Luxembourg, désirant, d'un commun accord avec Leurs Majestés l'Empereur d'Autriche, l'Empereur de toutes les Russies, et le Roi de Prusse, donner suite par un Traité particulier aux Articles et Stipulations du Traité de Paix conclu à Paris le 20 Novembre, 1815, tant à celles qui regardent le Royaume des Pays Bas, qu'à celles qui concernent le Grande Duché de Luxembourg, et consolider les arrangemens qui en dérivent, ont nommé à cet effet les Plénipotentiaires suivans, savoir ;

Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, le Très Honorable Richard le Poer Trench, Comte de Clancarty, Vicomte Dunlo, Baron Kilconnel, Baron Trench de Garbally du Royaume Uni de la Grande Bretagne et d'Irlande, Membre du Très Honorable Conseil Privé de la Grande Bretagne et aussi d'Irlande, Président du Comité du Premier pour les Affaires de Commerce et des Colonies, Colonel du Régiment de Milice du Comté de Galway, Ambassadeur Extraordinaire

et Plénipotentiaire auprès de Sa Majesté le Roi des Pays Bas, et Chevalier Grand'-Croix du Très Honorable Ordre du Bain; et Sa Majesté le Roi des Pays Bas, Grand Duc de Luxembourg, le Sieur Hans Christophe Erneste Baron de Gagern, son Envoyé Extraordinaire et Ministre Plénipotentiaire près la Diète Germanique et la Ville libre de Francfort, Commandeur de l'Ordre Royal du Lion Belgique, Grand'-Croix des Ordres du Lion de Hesse, de la Fidélité de Bade, et du Faucon Blanc de Saxe Weimar. Lesquels, après avoir échangé leurs Pleins-pouvoirs, trouvés en bonne et due forme, ont conclu, signé, et arrêté, les Articles ci-après.

ART. I. Sa Majesté le Roi des Pays Bas, Grand Duc de Luxembourg, possédera, pour Lui, ses Descendants et Successeurs, en pleine propriété et souveraineté, tous les Districts qui, ayant fait partie en 1790 de la ci-devant Belgique, de l'Evêché de Liège, et du Duché de Bouillon, ont été cédés par la France aux Puissances Alliées par le Traité conclu à Paris le 20 Novembre, 1815, ainsi que les Territoires enclavés, avec les Places de Philippeville et de Marienbourg cédés par le même Traité.

Par suite de cette disposition, les limites des Etats de Sa Majesté le Roi des Pays Bas, Grand Duc de Luxembourg, et celles de la France, à commencer de la Mer du Nord, resteront telles qu'elles ont été fixées par le Traité de Paix de Paris du 30 Mai, 1814, jusque vis-à-vis de Quiévrain.

De Quiévrain, la ligne de démarcation suivra les anciennes limites extérieures de la Belgique, du ci-devant Evêché de Liège, et du Duché de Bouillon, jusqu'à Villers près d'Orval, comme elles étoient en 1790, en y comprenant la totalité de ces Pays, et spécialement les Places et Territoires de Philippeville et de Marienbourg, conformément aux stipulations du 1^{er}. Article du dit Traité du 20 Novembre, 1815, et sans autrement changer les limites du Royaume des Pays Bas et du Grand Duché de Luxembourg, qui seront conservées telles qu'elles ont été fixées par le Traité de Vienne du 31 Mai, 1815, lequel, dans tous les autres points, est pleinement confirmé.

II. Une partie des indemnités pécuniaires que Sa Majesté Très Chrétienne s'est engagée de payer, par l'Article IV du Traité de Paris du 20 Novembre, 1815, étant destinée, en vertu des arrangemens faits à Paris entre les Puissances Alliées, à renforcer la ligne de défense des Etats limitrophes de la France, Sa Majesté le Roi des Pays Bas, Grand Duc de Luxembourg, recevra, pour cet effet, la somme de 60,000,000 francs.

Sa Majesté le Roi des Pays Bas, Grand Duc de Luxembourg, s'engage à employer cette somme aux ouvrages nécessaires à la défense des frontières de ses Etats, conformément au système adopté, et au concert pris, à cet égard, entre les Puissances Alliées, au Protocole [1819—20.]

de la Conférence de leurs Ministres du 21 Novembre, 1815,* annexé au présent Traité, et qui aura la même force et valeur comme s'il était textuellement inséré au présent Traité.

III. Sa Majesté le Roi des Pays Bas, Grand Duc de Luxembourg, reconnoissant à justes titres les avantages qui résultent des dispositions précédentes, tant pour l'accroissement que pour les moyens de défense de Son Territoire, renonce pour les sommes stipulées dans l'Article IV du Traité de Paris du 20 Novembre, 1815, à la quote part à laquelle elle pourrait prétendre à titre d'indemnité, et qui est fixée par le Protocole de la Conférence du 20 Novembre, 1815, au total de 21,264,832 francs, 22½ centimes.

Sa Majesté adhère au principe que cette quote part serve à compléter les indemnités de l'Autriche et de la Prusse, et soit partagée, en parties égales, entre ces 2 Puissances.

IV. L'Article III du Traité conclu à Vienne le 31 Mai, 1815, et l'Article LXVII de l'Acte du Congrès de Vienne, ayant stipulé que la Forteresse de Luxembourg soit considérée comme Forteresse de la Confédération Germanique, cette disposition est maintenue et expressément confirmée par la présente Convention.

V. Sa Majesté le Roi des Pays Bas, Grand Duc de Luxembourg, cède à Sa Majesté le Roi de Prusse le droit de nommer le Gouverneur et le Commandant de cette Place, et consent à ce que tant la Garnison en général que chaque arme en particulier, soit composée pour les trois-quarts de Troupes Prussiennes, et un-quart de Troupes des Pays Bas, renonçant ainsi au droit de nomination que l'Article LXVII de l'Acte du Congrès de Vienne assuroit à Sa Majesté, sans que cet arrangement, fait uniquement sous le rapport militaire, puisse altérer en rien le droit de souveraineté de Sa Majesté le Roi des Pays Bas, Grand Duc de Luxembourg, sur la Ville et la Forteresse de Luxembourg.

VI. Le droit de souveraineté appartenant dans toute sa plénitude à Sa Majesté le Roi des Pays Bas, Grand Duc de Luxembourg, dans la Ville et Forteresse de Luxembourg, comme dans tout le reste du Grand Duché, l'administration de la justice, la perception des impositions et contributions de toute espèce, ainsi que toute autre branche de l'Administration Civile, resteront exclusivement entre les mains des Employés de Sa Majesté.

VII. Le Traité conclu avec Sa Majesté le Roi des Pays Bas, Grand Duc de Luxembourg, à Vienne le 31 Mai, 1815, ainsi que tous les Articles de l'Acte du Congrès de Vienne, du 9 Juin, 1815, qui concernent les intérêts de Sa Majesté, ou qui ont été stipulés avec elle, sont confirmés dans tous les points et toutes les dispositions qui n'ont pas été expressément changés par la présente Convention, ou par celle conclue entre Sa Majesté le Roi de Prusse et Sa dite Majesté le Roi des Pays Bas, Grand Duc de Luxembourg, le 8 Novembre, 1816.

* See Page 47.

VIII. La présente Convention sera ratifiée, et les Actes de Ratification en seront échangés dans le terme de 3 mois, ou plutôt si faire se peut.

En foi de quoi, les Plénipotentiaires respectifs l'ont signé, et y ont apposé le Cachet de leurs Armes.

Fait à Francfort sur le Mein, le 16 Novembre de l'an de Grâce, 1816.

(L.S.) CLANCARTY. (L.S.) LE BARON DE GAGERN.

ACTE No. VI, annexé au Récès Général, conclu à Francfort, le 20 Juillet, 1819.

TRAITÉ entre l'Autriche et les Pays Bas, conclu à Francfort sur le Mein, le 12 Mars, 1817.

AU NOM DE LA TRÈS SAINTE ET INDIVISIBLE TRINITÉ.

Sa Majesté Impériale et Royale Apostolique, et Sa Majesté le Roi des Pays Bas, Grand Duc de Luxembourg, désirant, d'un commun accord avec leurs Majestés l'Empereur de toutes les Russies, le Roi du Royaume Uni de la Grande Bretagne, et le Roi de Prusse, donner suite, par un Traité particulier, aux dispositions du Traité de Paix conclu à Paris le 20 Novembre, 1815, tant à celles qui regardent le Royaume des Pays Bas, qu'à celles qui concernent le Grand Duché de Luxembourg, et consolider les arrangemens qui en dérivent, ont nommé des Plénipotentiaires pour concerter, arrêter, et signer, tout ce qui est relatif à ces objets, savoir :

Sa Majesté Impériale et Royale Apostolique, le Sieur Jean Philippe, Baron de Wessenberg, Grand'-Croix de l'Ordre Royal de St. Etienne, Chevalier Grand'-Croix de l'Ordre Militaire et Religieux de Saints Maurice et Lazare, de l'Ordre de l'Aigle Rouge de Prusse, de celui de la Couronne de Bavière, de St. Joseph de Toscane, de l'Ordre Constantinien de Parme, de la Fidélité de Bade, du Lion d'Or de Hesse, Chambellan, et Conseiller intime actuel de Sa dite Majesté Impériale et Royale Apostolique.

Et Sa Majesté le Roi des Pays Bas, Grand Duc de Luxembourg, le Sieur Jean Christophe Erneste, Baron de Gagern, son Envoyé Extraordinaire et Ministre Plénipotentiaire à la Diète Germanique, et près la Ville libre de Francfort, Commandeur de l'Ordre Royal du Lion Belgique, Grand'-Croix des Ordres du Lion de Hesse, de la Fidélité de Bade, et du Faucon Blanc de Saxe Weimar.

Lesquels, après avoir échangé leurs Pleins-pouvoirs, trouvés en bonne et due forme, ont signé les Articles suivans :

ART. I. Sa Majesté le Roi des Pays Bas, Grand Duc de Luxembourg, possédera, pour lui, ses Descendans et Successeurs, en toute

souveraineté et propriété, tous les Districts qui, ayant fait partie en 1790, des Provinces Beligues, de l'Evêché de Liège, et du Duché de Bouillon, ont été cédés par la France aux Puissances Alliées par le Traité conclu à Paris le 20 Novembre, 1815, ainsi que les Territoires enclavés de Philippeville et Mariembourg, avec les Places de ce nom, cédés par le même Traité.

Par suite de cette disposition, les limites des Etats de Sa Majesté le Roi des Pays Bas, Grand Duc de Luxembourg, et celles de la France, resteront, à commencer de la Mer du Nord, telles qu'elles ont été fixées par le Traité de Paix de Paris du 30 Mai, 1814, jusque vis-à-vis de Quiévrain.

De Quiévrain, la ligne de démarcation suivra les anciennes limites des Provinces Beligues, du ci-devant Evêché de Liège, et du Duché de Bouillon, jusqu'à Villers, près d'Orval, comme elles étaient en 1790, en y comprenant la totalité de ces Pays, avec les Places et Territoires de Philippeville et de Mariembourg, conformément aux Stipulations du 1^{er} Article du dit Traité du 20 Novembre, 1815. Sur tous les autres points, les limites du Royaume des Pays Bas, et du Grand Duché de Luxembourg, seront conservées telles qu'elles ont été fixées par le Traité de Vienne du 31 Mai, 1815.

II. Une partie des indemnités pécuniaires que Sa Majesté Très Chrétienne s'est engagée de payer par l'Article IV du Traité de Paris du 20 Novembre, 1815, étant destinée, en vertu des arrangemens faits à Paris entre les Puissances Alliées, à renforcer la ligne de défense des Etats limitrophes de la France, Sa Majesté le Roi des Pays Bas, Grand Duc de Luxembourg, recevra, pour cet effet, la somme de 60,000,000 francs.

Sa Majesté le Roi des Pays Bas, Grand Duc de Luxembourg, s'engage à employer cette somme aux ouvrages nécessaires à la défense des frontières de ses Etats, conformément au système qui a été adopté par les Puissances Alliées, et qui a été consigné au Protocole de la Conférence de leurs Ministres du 21 Novembre, 1815*. Ce Protocole est annexé au présent Traité, et aura la même force et valeur comme s'il étoit textuellement inséré au présent Traité.

III. Sa Majesté le Roi des Pays-Bas, Grand Duc de Luxembourg, reconnoissant à justes titres les avantages qui résultent des dispositions précédentes, tant pour l'accroissement que pour les moyens de défense de son Territoire, renonce pour les sommes stipulées dans l'Article IV du Traité de Paris du 20 Novembre 1815, à la quote part à laquelle elle pourroit prétendre à titre d'indemnité, et qui est fixée, par le Protocole de la Conférence du 20 Novembre 1815, au total de 21,264,832 francs, 22½ centimes.

Sa Majesté adhère au principe que cette quote part serve à com-

* See Page 47.

pléter les indemnités de l'Autriche et de la Prusse, et soit partagée, en parties égales, entre ces 2 Puissances.

IV. L'Article III du Traité conclu à Vienne le 21 Mai 1815, et l'Article LXVII de l'Acte du Congrès de Vienne, ayant stipulé que la Forteresse de Luxembourg soit considérée comme Forteresse de la Confédération Germanique, cette disposition est maintenue et expressément confirmée par la présente Convention.

V. Sa Majesté le Roi des Pays-Bas, Grand Duc de Luxembourg, cède à Sa Majesté le Roi de Prusse le droit de nommer le Gouverneur et le Commandant de cette Place, et consent à ce que tant la Garnison en général, que chaque arme en particulier, soit composée pour les trois quarts de troupes Prussiennes, et un quart de troupes des Pays Bas, renonçant ainsi au droit de nomination que l'Article LXVII de l'Acte du Congrès de Vienne assurait à Sa Majesté, sans que cet arrangement, fait uniquement sous le rapport militaire, puisse altérer en rien le droit de Souveraineté de Sa Majesté le Roi des Pays Bas, Grand Duc de Luxembourg, sur la Ville et la Forteresse de Luxembourg.

VI. Le droit de Souveraineté appartenant dans toute sa plénitude à Sa Majesté le Roi des Pays-Bas, Grand Duc de Luxembourg, dans la Ville et Forteresse de Luxembourg, comme dans tout le reste du Grand Duché, l'administration de la justice, la perception des impositions et contributions de toute espèce, ainsi que toute autre branche de l'Administration Civile, restera exclusivement entre les mains des Employés de Sa Majesté.

VII. La Place de Luxembourg étant Forteresse de la Confédération Germanique, et les Gouvernemens de Prusse et des Pays Bas ne pouvant en conséquence être censés avoir l'obligation de l'entretenir exclusivement à leurs fraix, la question de son entretien est réservée aux discussions de la Diète.

VIII. Le Traité conclu entre Sa Majesté Impériale et Royale Apostolique et Sa Majesté le Roi des Pays-Bas, à Vienne le 31 Mai 1815, est confirmé dans toutes celles de ses dispositions qui n'ont pas été changées ou modifiées par les Clauses du présent Traité.

IX. Le présent Traité sera ratifié, et les Ratifications en seront échangées dans le terme de 3 mois, ou plutôt si faire se peut.

En foi de quoi les Plénipotentiaires respectifs l'ont signé et y ont apposé le Cachet de leurs Armes.

Fait à Francfort sur le Mein, le 12 Mars, l'An de Grâce 1817.

(L.S.) WESSENBERG.

(L.S.) GAGERN.



*ACTE No. VII, annexé au Récès Général, conclu à Francfort,
le 20 Juillet, 1819.*

*TRAITÉ entre la Russie et les Pays Bas, conclu à Francfort
sur le Mein, le 5^e Avril, 1817.*

AU NOM DE LA TRÈS-SAINTÉ ET INDIVISIBLE TRINITÉ.

SA Majesté l'Empereur de toutes les Russies, et Sa Majesté le Roi des Pays Bas, Grand Duc de Luxembourg, désirant, d'un commun accord avec Sa Majesté Impériale et Royale Apostolique, Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, et Sa Majesté le Roi de Prusse, donner suite, par un Traité particulier, aux Articles et Stipulations du Traité de Paix conclu à Paris le 20 Novembre 1815, tant à celles qui regardent le Royaume des Pays-Bas, qu'à celles qui concernent le Grand Duché de Luxembourg, et consolider les arrangemens qui en dérivent, ont nommé, à cet effet, les Plénipotentiaires suivans, savoir :

Sa Majesté l'Empereur de toutes les Russies, le Sieur Jeand'Anstett, son Conseiller Privé, Chevalier de l'Ordre de St. Alexandre Newski, Grand'-Croix de celui de St. Wladimir de la 2^e Classe, de ceux de Ste. Anne de la 1^{re}, de Léopold d'Autriche, de l'Aigle Rouge de Prusse, de l'Etoile Polaire de Suède, de la Couronne de Bavière, de la Fidélité et du Lion de Zaëhringen de Bade, Chevalier de l'Ordre de St. Jean de Jérusalem ;

Et Sa Majesté le Roi des Pays-Bas, Grand Duc de Luxembourg, le Sieur Hans Christophe Erneste, Baron de Gagern, son Envoyé Extraordinaire et Ministre Plénipotentiaire à la Diète Germanique, et près la Ville libre de Francfort, Commandeur de l'Ordre Royal du Lion Belgique, Grand'-Croix des Ordres du Lion de Hesse, de la Fidélité de Bade, et du Faucon Blanc de Saxe-Weimar ;

Lesquels, après avoir échangé leurs Pleins-pouvoirs, trouvés en bonne et due forme, ont conclu, signé, et arrêté, les Articles ci-après :

ART. I. Sa Majesté le Roi des Pays Bas, Grand Duc de Luxembourg, possédera pour Lui, ses Descendans, et Successeurs, en pleine propriété et souveraineté, tous les Districts qui, ayant fait partie en 1790, de la ci-devant Belgique, de l'Evêché de Liège, et du Duché de Bouillon, ont été cédés par la France aux Puissances Alliées, par le Traité conclu à Paris le 20 Novembre 1815, ainsi que les Territoires enclavés, avec les Places de Philippeville et de Marienbourg, cédés par le même Traité.

Par suite de cette disposition, les limites des Etats de Sa Majesté le Roi des Pays Bas, Grand Duc de Luxembourg, et celles de la France, à commencer de la Mer du Nord, resteront telles qu'elles ont été fixées par le Traité de Paix de Paris du 30 Mai 1814, jusque vis-à-vis de Quiévrain.

De Quiévrain, la ligne de démarcation suivra les anciennes limites extérieures de la Belgique, du ci-devant Evêché de Liège, et du Duché de Bouillon, jusqu'à Villers près d'Orval, comme elles étoient en 1790; en y comprenant la totalité de ces Pays, et spécialement les Placés et Territoires de Philippeville et de Marienbourg, conformément aux stipulations du I^{er} Article du dit Traité du 20 Novembre 1815, et sans autrement changer les limites du Royaume des Pays Bas et du Grand Duché de Luxembourg, qui seront conservées telles qu'elles ont été fixées par le Traité de Vienne du 31 Mai 1815, lequel, dans tous les autres points, est pleinement confirmé.

II. Une partie des indemnités pécuniaires que Sa Majesté Très-Chrétienne s'est engagée de payer par l'Article IV du Traité de Paris du 20 Novembre 1815, étant destinée, en vertu des arrangemens faits à Paris entre les Puissances Alliées, à renforcer la ligne de défense des Etats limitrophes de la France, Sa Majesté le Roi des Pays Bas, Grand Duc de Luxembourg, recevra, pour cet effet, la somme de 60,000,000 francs.

Sa Majesté le Roi des Pays Bas, Grand Duc de Luxembourg, s'engage à employer cette somme aux ouvrages nécessaires à la défense des frontières de ses Etats, conformément au système adopté, et au concert pris à cet égard entre les Puissances Alliées, au Protocole de la Conférence de leurs Ministres du 21 Novembre 1815,* annexé au présent Traité, et qui aura la même force et valeur comme s'il étoit textuellement inséré au présent Traité.

III. Sa Majesté le Roi des Pays Bas, Grand Duc de Luxembourg, reconnoissant à justes titres les avantages qui résultent des dispositions précédentes, tant pour l'accroissement que pour les moyens de défense de son territoire, renonce pour les sommes stipulées dans l'article IV du Traité de Paris du 20 Novembre 1815, à la quote part à laquelle elle pourroit prétendre à titre d'indemnité, et qui est fixée par le Protocole de la Conférence du 20 Novembre 1815, au total de 21,264,832 francs, 22½ centimes.

Sa Majesté adhère au principe que cette quote part serve à compléter les indemnités de l'Autriche et de la Prusse, et soit partagée, en parties égales entre ces 2 Puissances.

IV. L'Article III du Traité de Vienne du 31 Mai 1815, et l'Article LXVII de l'Acte du Congrès de Vienne, ayant stipulé que la Forteresse de Luxembourg sera considérée comme Forteresse de la Confédération Germanique, cette disposition est maintenue et expressément confirmée par la présente Convention; et la question de son entretien est réservée aux discussions de la Diète.

V. Sa Majesté le Roi des Pays-Bas, Grand Duc de Luxembourg, cède à Sa Majesté le Roi de Prusse, le droit de nommer le Gouverneur et le Commandant de cette Place, et consent à ce que tant la Garnison

* See Page 47.

en général, que chaque arme en particulier, soit composée pour les trois quarts de troupes Prussiennes, et un quart de troupes des Pays Bas, renonçant ainsi au droit de nomination que l'Article LXVII de l'Acte du Congrès de Vienne assuroit à Sa Majesté, sans que cet arrangement, fait uniquement sous le rapport militaire, puisse altérer en rien le droit de Souveraineté de Sa Majesté le Roi des Pays Bas, Grand Duc de Luxembourg, sur la Ville et la Forteresse de Luxembourg.

VI. Le droit de Souveraineté appartenant dans toute sa plénitude à Sa Majesté le Roi des Pays-Bas, Grand Duc de Luxembourg, dans la Ville et Forteresse de Luxembourg, comme dans tout le reste du Grand Duché, l'administration de la justice, la perception des impositions et contributions de toute espèce, ainsi que toute autre branche de l'Administration Civile, restera exclusivement entre les mains des Employés de Sa Majesté.

VII. Le Traité conclu avec Sa Majesté le Roi des Pays Bas, Grand Duc de Luxembourg, à Vienne le 31 Mai, 1815, ainsi que tous les Articles de l'Acte du Congrès de Vienne du 9 Juin 1815, qui concernent les intérêts de Sa Majesté, ou qui ont été stipulés avec elle, sont confirmés dans tous les points et toutes les dispositions qui n'ont pas été expressément changés par la présente Convention, ou par celle conclue entre Sa Majesté le Roi de Prusse et Sa dite Majesté le Roi des Pays Bas, Grand Duc de Luxembourg, le 8 Novembre 1816.

VIII. La présente Convention sera ratifiée, et les Actes de Ratification en seront échangés dans le terme de 3 mois, ou plutôt si faire se peut.

En foi de quoi, les Plénipotentiaires respectifs l'ont signé, et y ont apposé le Cachet de leurs Armes.

Fait à Francfort sur le Mein, le 5 (17) Avril, l'An de Grâce 1817.
(L.S.) D'ANSTETT. (L.S.) LE BARON DE GAGERN.

ACTE No. VIII, annexé au Récès Général conclu à Francfort, le 20 Juillet, 1819.

TRAITÉ entre l'Autriche, l'Espagne, la France, la Grande Bretagne, la Prusse, et la Russie, conclu à Paris, le 10 Juin, 1817.

AU NOM DE LA TRÈS SAINTE ET INDIVISIBLE TRINITÉ.

AYANT reconnu que le motif qui a porté Sa Majesté Catholique à différer son accession au Traité signé en Congrès à Vienne le 9 Juin, 1815, ainsi qu'à celui de Paris du 20 Novembre, de la dite Année, consistoit dans le désir de voir fixer, par le consentement unanime des Puissances qui y étoient appelées, l'application de l'Article XCIX du

dit Traité du 9 Juin, et en conséquence de la réversion des Duchés de Parme, Plaisance, et Guastalla, après le décès de Sa Majesté Madame l'Archiduchesse Marie Louise :

Que l'adhésion susmentionnée étoit nécessaire pour compléter l'assentiment général aux transactions sur lesquelles les intérêts politiques et la paix de l'Europe sont principalement fondés :

Que Sa Majesté Catholique, persuadée de cette vérité, et animée des mêmes principes que ses Augustes Alliés, s'est décidée, de sa pleine volonté, à donner son accession au dit Traité, en vertu d'Actes solennels signés à cet effet le 7 et le 8 Juin, 1817 ; et ayant en conséquence jugé convenable de satisfaire en même tems aux demandes de Sa Majesté Catholique qui concernent la réversion des dits Duchés, d'une manière propre à contribuer encore davantage à l'affermissement de la paix et de la bonne intelligence heureusement rétablies et existantes en Europe, leurs Majestés Impériales et Royales d'Autriche, d'Espagne, de France, de la Grande Bretagne, de Prusse, et de Russie, ont nommé à cet effet, savoir ;

Sa Majesté l'Empereur d'Autriche, Roi de Hongrie et de Bohême, le Sieur Nicolas Charles Baron de Vincent, Commandeur de l'Ordre Militaire de Marie Thérèse, Grand'-Croix de l'Ordre Impérial de Léopold, et de l'Ordre de l'Epée de Suède, Chevalier Grand'-Croix de l'Ordre Militaire du Royaume des Pays Bas, Commandeur de l'Ordre Royal et Militaire de Saint Louis, son Chambellan, Conseiller intime actuel, Lieutenant Général de ses Armées, Colonel Propriétaire d'un Régiment de Chevaux-légers, &c. &c. et son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté Très Chrétienne ;

Sa Majesté le Roi d'Espagne et des Indes, le Sieur Charles Gutierrez de los Rios, Fernandez de Cordoba, Sarmiento de Sotto-Major, &c. Comte de Fernan Nunez et de Barajas, Marquis de Castel-Moncayo, Duc de Montellano, de l'Arco et d'Aremberg, Prince de Barbanzon et du Saint Empire Romain, &c. 5 fois Grand d'Espagne de 1re Classe, Chevalier de l'Insigne Ordre de la Toison d'Or, et Grand'-Croix de l'Ordre de Charles III, son Gentilhomme de la Chambre en exercice, son Grand Veneur, Colonel du Régiment de Houssards de Ferdinand VII, &c. &c. son Ambassadeur près Sa Majesté Très Chrétienne ;

Sa Majesté le Roi de France et de Navarre, le Sieur Armand Emanuel du Plessis Richelieu, Duc de Richelieu, Chevalier de l'Ordre Royal et Militaire de Saint Louis, et des Ordres de Saint Alexandre Newski, Saint Wladimir, et Saint George de Russie, Pair de France, son Premier Gentilhomme de la Chambre, son Ministre et Secrétaire d'Etat des Affaires Etrangères, et Président du Conseil de ses Ministres ;

Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, le Sieur Charles Stuart, Grand'-Croix du Très Honorable Ordre du Bain, et de l'ancien Ordre de la Tour et l'Epée, son Conseiller

intime actuel, &c. &c. et son Ambassadeur Extraordinaire et Plénipotentiaire près Sa Majesté Très Chrétienne ;

Sa Majesté le Roi de Prusse, le Sieur Charles Frédéric Henri, Comte de Goltz, Chevalier de la Croix de Fer de la 1^{ère} Classe, et de l'Ordre pour le Mérite Militaire de Prusse, Grand'-Croix de l'Ordre de Sainte Anne, Chevalier de l'Ordre de Saint George de la 4^{ème} Classe, et de l'Ordre de Saint Wladimir de la 3^{ème} Classe de Russie, Commandeur de l'Ordre du Mérite Militaire de France, Chevalier de l'Ordre Militaire de Marie Thérèse d'Autriche, de celui de l'Epée de Suède, et de celui du Mérite Militaire de Bavière, son Général Major, et Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté Très Chrétienne ;

Sa Majesté l'Empereur de toutes les Russies, Roi de Pologne, le Sieur Charles André Pozzo di Borgo, Chevalier Grand'-Croix de l'Ordre de Saint Wladimir de la 2^{de} Classe, de Sainte Anne de la 1^{ère}, de Saint George de la 4^{ème} Classe, Grand'-Croix de l'Ordre de Charles III d'Espagne, de celui des Saints Maurice et Lazare de Sardaigne, de Saint Ferdinand de Naples, de l'Aigle Rouge de Prusse, et de l'Ordre des Guelphes d'Hannovre, Commandeur de l'Ordre Royal et Militaire de Saint Louis, Lieutenant Général de ses Armées, son Aide de Camp Général, et son Ministre Plénipotentiaire près Sa Majesté Très Chrétienne.

Lesquels, après avoir échangé leurs Pleins-pouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivans :

ART. I. L'état de possession actuel des Duchés de Parme, Plaisance, et Guastalla, ainsi que celui de la Principauté de Lucques, étant déterminé par les Stipulations de l'Acte du Congrès de Vienne, les dispositions des Articles XCIX, CI, et CII, sont et restent maintenues dans toute leur force et valeur.

II. La réversibilité des Duchés de Parme, Plaisance, et Guastalla, prévue par l'Article XCIX de l'Acte final du Congrès de Vienne, est déterminée de la manière suivante ;

III. Les Duchés de Parme, Plaisance, et Guastalla, après le décès de Sa Majesté l'Archiduchesse Marie Louise, passeront en toute souveraineté à Sa Majesté l'Infante d'Espagne Marie Louise, l'Infant Don Charles Louis son Fils, et ses Descendans mâles, en ligne directe et masculine, à l'exception des Districts enclavés dans les Etats de Sa Majesté Impériale et Royale Apostolique sur la rive gauche du Pô ; lesquels resteront en toute propriété à Sa dite Majesté, conformément à la restriction établie par l'Article XCIX de l'Acte du Congrès.

IV. A cette même époque la réversibilité de la Principauté de Lucques, prévue par l'Article CII de l'Acte du Congrès de Vienne, aura lieu, dans les termes et sous les clauses du même Article, en faveur de Son Altesse Impériale et Royale le Grand Duc de Toscane.

V. Quoique la Frontière des Etats Autrichiens en Italie soit déterminée par la ligne du Pô, il est toutefois convenu, d'un commun accord, que la Forteresse de Plaisance offrant un intérêt plus particulier au système de défense de l'Italie, Sa Majesté Impériale et Royale Apostolique conservera dans cette Ville, jusqu'à l'époque des réversions après l'extinction de la Branche Espagnole des Bourbons, le droit de garnison pur et simple; tous les droits régaliens et civils sur cette Ville étant réservés au Souverain futur de Parme. Les frais et l'entretien de la garnison dans la Ville de Plaisance seront à la charge de l'Autriche, et sa force, en tems de paix, sera déterminée à l'amiable entre les Hautes Parties intéressées, en prenant toutefois pour règle, le plus grand soulagement possible des habitants.

VI. Sa Majesté Impériale et Royale Apostolique s'engage à payer à Sa Majesté l'Infante Marie-Louise, les sommes arriérées depuis le 9 Juin 1815, et provenant des stipulations du 2^{de} Paragraphe de l'Article CI de l'Acte du Congrès, et d'en continuer le paiement selon les mêmes stipulations et avec les mêmes hypothèques. Elle s'engage en outre à faire payer à Sa Majesté l'Infante le montant des Revenus perçus dans la Principauté de Lucques depuis la même époque jusqu'au moment de l'entrée en possession de Sa Majesté l'Infante, déduction faite des frais d'Administration. La liquidation de ces Revenus aura lieu à l'amiable entre les Hautes Parties intéressées, et dans le cas de différence d'opinion, elles s'en rapporteront à l'arbitrage de Sa Majesté Très-Chrétienne.

VII. La réversion des Duchés de Parme, Plaisance, et Guastalla, en cas d'extinction de la branche de l'Infant Don Charles Louis, est explicitement maintenue dans les termes du Traité d'Aix-la-Chapelle de 1748, et de l'Article Séparé du Traité entre l'Autriche et la Sardaigne du 20 Mai, 1815.

VIII. Le présent Traité, expédié en septuple, sera joint à l'Acte Supplémentaire du Traité Général du Congrès de Vienne; il sera ratifié par les Hautes Parties respectives, et les Ratifications en seront échangées à Paris dans l'espace de 2 mois, ou plutôt si faire se peut.

En foi de quoi les Plénipotentiaires respectifs l'ont signé, et y ont apposé le Cachet de leurs Armes.

Fait à Paris le 10 du mois de Juin, l'An de Grâce 1817.

(L. S.) LE BARON DE VINCENT.

(L. S.) LE COMTE DE FERNAN NUNEZ,
DUC DE MONTELLANO.

(L. S.) RICHELIEU.

(L. S.) CHARLES STUART.

(L. S.) LE COMTE DE GOLTZ.

(L. S.) POZZO DI BORGO.

*ACTE No. IX, annexé au Récès Général, conclu à Francfort,
le 20 Juillet, 1819.*

*TRAITÉ¹ entre l'Autriche et le Grand Duché de Bade, con-
clu à Francfort sur le Mein, le 10 Juillet, 1819.*

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AU NOM DE LA TRÈS-SAINTE ET INDIVISIBLE TRINITÉ.

L'ARRANGEMENT des affaires territoriales en Allemagne ayant demandé, dans leur application définitive, quelques échanges de territoire entre Sa Majesté l'Empereur d'Autriche et Son Altesse Royale le Grand Duc de Bade, des Plénipotentiaires ont été nommés à cet effet, savoir :

De la part de Sa Majesté Impériale et Royale Apostolique, le Sieur Jean Philippe, Baron de Wessenberg, Grand'-Croix de l'Ordre Royal de Saint Etienne, Chevalier Grand'-Croix de l'Ordre Militaire et Religieux des Saints Maurice et Lazare, de l'Ordre de l'Aigle Rouge de Prusse, de celui de la Couronne de Bavière, de Saint Joseph de Toscane, de l'Ordre Constantinien de Parme, de la Fidélité de Bade, du Lion d'Or de Hesse, Chambellan et Conseiller intime actuel de Sa dite Majesté Impériale et Royale Apostolique : et de celle de Son Altesse Royale le Grand Duc de Bade, le Sieur Charles Chrétien, Baron de Berckheim, Ministre d'Etat de Son Altesse Royale le Grand Duc de Bade, Son Envoyé à la Diète de la Sérénissime Confédération Germanique, et Son Plénipotentiaire près la Commission Territoriale, Chevalier Grand'-Croix de l'Ordre de la Fidélité et du Lion de Zaehringen de Bade, de celui de Saint Louis de Hesse, Chevalier de l'Ordre de l'Etoile Polaire de Suède ;

Lesquels, après avoir échangé leurs Pleins-pouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivans :

ART. I. Son Altesse Royale le Grand Duc de Bade, pour Elle, ses Héritiers et Successeurs, cède à Sa Majesté Impériale et Royale Apostolique, la partie du second Bailliage de Wertheim située au nord de la route de Lengfurth à Wurzburg, et enclavée dans les Etats Bavaois, comprenant les Communes et Banlieues d'Anspach, Birkenfeld, Erlach, Greusenheim, Karbach, Maria-Buchen, Pflochsbach, Roden, Sendelbach, Steinfeld, Waldzell, et Zimmern, avec tous les droits appartenans à Son Altesse Royale sur ce District.

II. En échange du District désigné dans l'Article précédent, Sa Majesté Impériale et Royale Apostolique cède à Son Altesse Royale le Grand Duc de Bade, pour être possédé par Elle, Ses Héritiers et Successeurs, le Comté de Geroldseck enclavé dans les Etats Badois, tel qu'il a été possédé par l'Autriche, en vertu de l'Article LI du Traité Général du Congrès de Vienne.

III. La remise réciproque des Territoires désignés dans les 2 Articles précédens, aura lieu immédiatement après l'échange des Rati-

fications de la présente Convention, et les dits Territoires passeront à leurs nouveaux Possesseurs, avec les revenus, à dater du jour de la prise de possession.

IV. Les archives, cartes, plans, et documens quelconques, appartenans aux Pays respectivement cédés et échangés, ou concernant leur administration, seront fidèlement remis en même tems que les Territoires, ou si cela ne pouvoit avoir lieu de suite, dans un terme qui ne pourra pas être de plus de 3 mois après la mise en possession.

V. La présente Convention sera ratifiée, et les Ratifications en seront échangées à Francfort sur le Mein, dans le terme de 6 semaines, ou plutôt si faire se peut.

En foi de quoi les Plénipotentiaires respectifs l'ont signé, et y ont apposé le Cachet de leurs Armes.

Fait à Francfort sur le Mein, le 10 Juillet 1819.

(LS.) LE BARON DE WESSENBERG.

(LS.) LE BARON DE BERCKHEIM.



ACTE No. X, annexé au Récès Général, conclu à Francfort, le 20 Juillet, 1819.

TRAITÉ entre l'Autriche, la Grande Bretagne, la Prusse, et la Russie, et le Grand Duché de Bade, conclu à Francfort sur le Mein, le 10 Juillet, 1819.

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AU NOM DE LA TRÈS SAINTE ET INDIVISIBLE TRINITÉ.

SA Majesté le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, Sa Majesté l'Empereur d'Autriche, Roi de Hongrie et de Bohême, Sa Majesté le Roi de Prusse, et Sa Majesté l'Empereur de toutes les Russies, Roi de Pologne, après avoir repris en mûre délibération les propositions et les démarches suivies de Son Altesse Royale le Grand Duc de Bade, pour être libéré des clauses onéreuses du Traité de Francfort de l'Année 1813, ainsi que les Négociations qui ont eu lieu à cet égard, et voulant mettre un terme aux incertitudes qui ont pesé, jusqu'à ce jour, sur l'état de possession du Grand Duché, ont arrêté d'un commun accord, que leurs Plénipotentiaires respectifs à la Commission Territoriale de Francfort,—savoir :

De la part de Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, le Très Honorable Richard le Poer Trench, Comte de Clancarty, Vicomte Dunlo, Baron Kilconnel, Baron Trench de Garbally du Royaume Uni de la Grande Bretagne et d'Irlande, Conseiller de Sa Majesté Britannique en son Conseil Privé de la Grande Bretagne et aussi d'Irlande, Membre du Comité du 1^{er} pour

les Affaires de Commerce et des Colonies, Colonel du Régiment de Milice du Comté de Galway, Ambassadeur Extraordinaire et Plénipotentiaire de Sa dite Majesté auprès de Sa Majesté le Roi des Pays Bas, et Chevalier Grand'-Croix du Très Honorable Ordre du Bain ;

De celle de Sa Majesté l'Empereur d'Autriche, Roi de Hongrie et de Bohême, le Sieur Jean Philippe, Baron de Wessenberg, Grand'-Croix de l'Ordre Royal de Saint Etienne, Chevalier Grand'-Croix de l'Ordre Militaire et Religieux des Saints Maurice et Lazare, de l'Ordre de l'Aigle Rouge de Prusse, de celui de la Couronne de Bavière, de Saint Joseph de Toscane, de l'Ordre Constantinien de Parme, de la Fidélité de Bade, du Lion d'Or de Hesse, Chambellan et Conseiller intime actuel de Sa dite Majesté Impériale et Royale Apostolique ;

De celle de Sa Majesté le Roi de Prusse, le Sieur Charles Guillaume, Baron de Humboldt, son Ministre d'Etat, et Chambellan, Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté Britannique, Chevalier du Grand Ordre de l'Aigle Rouge, et de celui de la Croix de Fer de Prusse de la 1^{re} Classe, Grand'-Croix des Ordres de Léopold d'Autriche, de Sainte Anne de Russie, du Dannebrog de Dannemarc, du Lion Belgique des Pays Bas, de la Couronne de Bavière, de la Fidélité de Bade, et du Faucon Blanc de Saxe Weimar ;

De celle de Sa Majesté l'Empereur de toutes les Russies, Roi de Pologne, le Sieur Jean d'Anstett, son Conseiller Privé, Envoyé Extraordinaire et Ministre Plénipotentiaire près la Diète de la Sérénissime Confédération Germanique, Chevalier de l'Ordre de Saint Alexandre Newski, Grand'-Croix de celui de Saint Wladimir de la 2^e Classe, de la 1^{re} de ceux de Sainte Anne, de Léopold d'Autriche, de l'Aigle Rouge de Prusse, de l'Etoile Polaire de Suède, de la Couronne de Bavière, de la Couronne de Wurtemberg, de la Fidélité et du Lion de Zaehringen de Bade, Chevalier de l'Ordre de Saint Jean de Jérusalem ; —en vertu de leurs Pleins-pouvoirs, signeroient, avec celui ou ceux qui seroient dûment autorisés de la part de Son Altesse Royale, un Acte formel, qui serviroit à éteindre toutes les obligations éventuelles qui pouvoient être demeurées ouvertes ;

Et le Sieur Charles Chrétien, Baron de Berckheim, Ministre d'Etat de Son Altesse Royale le Grand Duc de Bade, son Envoyé à la Diète de la Sérénissime Confédération Germanique, et son Plénipotentiaire près la Commission Territoriale, Chevalier Grand'-Croix de l'Ordre de la Fidélité et du Lion de Zaehringen de Bade, de celui de Saint Louis de Hesse, Chevalier de l'Ordre de l'Etoile Polaire de Suède, ayant immédiatement produit ses Pleins-pouvoirs, trouvés en bonne et due forme, on est convenu des Articles suivans :—

ART. I. Les Articles Additionnels du Traité de Francfort du 20 Novembre, 1813,* renfermant une clause onéreuse à la charge du Grand Duché de Bade, sont révoqués. Son Altesse Royale le Grand

* See Martens' Supplement. Vol. V. Page 650.

Duc, ses Héritiers et Successeurs, en sont libérés à jamais, et l'état de possession du Grand Duché, tel qu'il existe aujourd'hui, est formellement reconnu.

II. Le droit de Succession établi dans le Grand Duché de Bade, en faveur des Comtes de Hochberg, Fils de feu le Grand Duc Charles Frédéric, est reconnu pour et au nom des Puissances Contractantes.

III. Le présent Traité sera ratifié, et les Ratifications en seront échangées à Francfort dans le terme de 3 mois, ou plutôt si faire se peut.

Un Exemplaire du dit Traité sera annexé au Récès Général de la Commission Territoriale de Francfort.

En foi de quoi les Plénipotentiaires respectifs l'ont signé, et y ont apposé le Cachet de leurs Armes, à Francfort sur le Mein, le 10 Juillet, 1819.

(LS) CLANCARTY. (L.S.) BARON DE BERCKHEIM.

(LS) LE BARON DE WESSENBERG.

(LS.) LE BARON DE HUMBOLDT.

(LS) J. D'ANSTETT.

*ACTE No. XI, annexé au Récès Général, conclu à Francfort,
le 20 Juillet, 1819.*

*TRAITÉ entre l'Autriche et la Bavière, conclu à Munich, le
16 Avril, 1816.*

AU NOM DE LA TRÈS SAINTE ET INDIVISIBLE TRINITÉ.

Sa Majesté l'Empereur d'Autriche, et Sa Majesté le Roi de Bavière, également animées du désir de resserrer les liens d'amitié qui les unissent, en fixant, d'une manière définitive, les limites et les rapports de leurs Etats respectifs, ont nommé des Plénipotentiaires pour concerter, arrêter, et signer, tout ce qui est relatif à cet objet, savoir :

Sa Majesté l'Empereur d'Autriche, le Sieur Jean Pierre Théodore Baron de Wacquant-Geozelles, Chevalier des Ordres Militaire de Marie Thérèse et Royal de Saint Etienne de Hongrie, Grand'-Croix, Commandeur, et Chevalier de plusieurs autres, Chambellan, Conseiller intime actuel, Lieutenant Général des Armées, et Colonel Propriétaire d'un Régiment d'Infanterie Hongroise de Sa Majesté Impériale et Royale Apostolique ;

Et Sa Majesté le Roi de Bavière, le Sieur Maximilien Comte de Montgelas, Son Chambellan, Ministre d'Etat et des Conférences, et Ministre dirigeant les Départemens des Affaires Etrangères, des Finances, et de l'Intérieur, Ministre Secrétaire d'Etat de la Maison Royale, Grand Chancelier et Chevalier de Saint Hubert, Grand'-Croix du Mérite Civil de Bavière, Grand'-Croix de l'Ordre de Saint Etienne

de Hongrie, Chevalier de l'Ordre de Saint Alexandre Newski, Chevalier Grand'-Croix des Ordres de l'Aigle Noire et de l'Aigle Rouge, Grand Aigle de la Légion d'Honneur, Grand'-Croix de la Couronne Verte de Saxe, et Grand'-Croix Honoraire de l'Ordre de Saint Jean de Jérusalem ;

Et le Sieur Louis Comte de Rechberg et Rothenlöwen, son Chambellan, Conseiller Privé actuel, Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté Impériale et Royale Apostolique, Chevalier de Saint Hubert, Commandeur de l'Ordre de Saint George, et Grand'-Croix de celui du Mérite Civil de Bavière ;

Lesquels, après avoir échangé leurs Pleins-pouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivans :

Art. I. Sa Majesté le Roi de Bavière, pour elle, ses Héritiers et Successeurs, rétrocède et abandonne, en toute propriété et souveraineté à Sa Majesté l'Empereur d'Autriche, ainsi qu'à ses Héritiers et Successeurs.

Les parties du Hausruckviertel et l'Innviertel, tels qu'ils ont été cédés par l'Autriche en 1809.

Le Bailliage Tyrolien de Vils ; et le Duché de Salzbourg, tel qu'il a été cédé par l'Autriche en 1809.

Sont exceptés de la présente rétrocession, les Bailliages de Wag-ing, Tittmaning, Teisendorf et Laufen, en tant qu'ils sont situés sur la rive gauche de la Salza et de la Saal.

Ces Districts, avec leurs appartenances et dépendances, continueront de rester à la Couronne de Bavière en toute propriété et souveraineté.

II. En retour de ces rétrocessions, Sa Majesté l'Empereur d'Autriche, pour Elle, ses Héritiers et Successeurs, cède à Sa Majesté le Roi de Bavière, à ses Héritiers et Successeurs, en toute propriété et souveraineté :

A. *A la gauche du Rhin.* Dans le Département du Mont Tonnerre :

1° Les Arrondissemens de Deux-Ponts, Kaiserslautern et de Spire ; ce dernier à l'exception des Cantons de Worms et Feddersheim.

2° Le Canton de Kirchheim-Poland, dans l'Arrondissement d'Alzey. Dans le Département de la Saar.

3° Les Cantons de Waldmohr, Bliescastel et Cussel ; ce dernier à l'exception de quelques endroits sur la route de Saint Windel à Baumholder, qui seront compensés par un Arrangement territorial à régler d'accord avec les Plénipotentiaires des Puissances Alliées réunis à Francfort.

Dans le Département du Bas Rhin.

4° Le Canton, la Ville et la Forteresse, de Landau ; cette dernière comme Place de la Confédération, conformément aux dispositions du 3 Novembre 1815.

5°. Les Cantons de Bergzabern, Langenkandel, et toute la partie du Département du Bas Rhin cédée par la France sur la rive gauche de la Lauter, par le Traité de Paris du 20 Novembre 1815.

Ces Pays seront possédés par Sa Majesté le Roi de Bavière sans autres charges et hypothèques que celles qui y existoient pendant l'Administration Autrichienne.

B. A la droite du Rhin.

1°. Les Bailliages ci-devant Fuldois de Hammelbourg avec Tulba et Salek, Brückenau avec Motten, celui de Weyhers, à l'exception des Villages de Melters et Hattenrodt, ainsi que la partie du Bailliage de Bieberstein qui renferme les Villages de Batten, Brand, Dietges, Findlos, Liebhardt, Melperz, Oberbernhardt, avec Steinbach, Saifferz et Thaiden; tous ces Districts, tels qu'ils ont été possédés par Sa Majesté Impériale et Royale Apostolique.

2°. Le Bailliage Autrichien de Redwitz, enclavé dans les Etats Bavares.

III. Sa Majesté l'Empereur d'Autriche, pour elle-même, et de concert avec ses Hauts Alliés, s'engage à employer son intervention la plus suivie, et tous ses moyens pour procurer à Sa Majesté le Roi de Bavière :

De la part de Son Altesse Royale le Grand Duc de Hesse, la cession pure, simple, et indéfinie, des Bailliages d'Alzenau, Miltenberg, Amorbach, et Heubach;

De la part de Son Altesse Royale le Grand Duc de Bade, une partie du Bailliage de Wertheim, d'après les dispositions arrêtées à Paris le 3 Novembre 1815.

IV. La contiguité des acquisitions que fait la Bavière, en échange des rétrocessions susmentionnées, étant une stipulation du Traité de Ried, Sa Majesté l'Empereur d'Autriche reconnoit le droit de Sa Majesté le Roi de Bavière à une indemnité pour le désistement du principe de contiguité.

Cette indemnité sera fixée à Francfort, en même tems, et de la même manière, que les autres arrangements territoriaux de l'Allemagne.

A cet effet, Sa Majesté l'Empereur d'Autriche s'engage à donner à Sa Majesté le Roi de Bavière un dédommagement qui a été réglé de gré à gré, jusqu'à l'époque du résultat efficace de la Négociation de Francfort, et que la Bavière ait pu être mise en possession de l'indemnité pour la renonciation à la contiguité.

V. Il sera établi une communication directe entre les Possessions de Sa Majesté le Roi de Bavière sur le Mein, et celles sur la rive gauche du Rhin, qui sera réglée d'accord avec les Parties intéressées.

Son Altesse Royale le Grand Duc de Bade sera invitée à entrer dans les arrangements nécessaires pour cette route militaire à travers ses Etats.

VI. Sa Majesté le Roi de Bavière obtiendra une somme de 15,000,000 francs sur la contribution Française destinée à renforcer le

système défensif de l'Allemagne, en vertu de la distribution faite à Paris le 3 Novembre 1815.

VII. Sa Majesté l'Empereur d'Autriche, pour elle, ses Héritiers et Successeurs, s'engage à faire fournir à Sa Majesté le Roi de Bavière, à ses Héritiers et Successeurs, au prix de fabrication, une quantité de sel, qui ne pourra dépasser 200,000 quintaux. Ce prix, y compris celui de l'emballage, sera réglé entre les 2 Hautes Puissances Contractantes de 10 en 10 années, sur l'échelle moyenne du prix véritable de fabrication des 10 années révolues; lequel prix moyen aura à servir pour les 10 années suivantes.

L'exportation de ce sel, qui, dans aucun cas et d'aucune manière, ne pourra être débité dans les Etats de Sa Majesté Impériale et Royale Apostolique, sera libre de tout droit de sortie, de transit, ou autre quelconque.

VIII. Sa Majesté le Roi de Bavière, pour elle, ses Héritiers et Successeurs, promet et s'engage de son côté, à accorder la liberté et la franchise du transit, pour les sels et les grains, sur la route qui mène par ses Etats du Tyrol à Bregenz.

Pour prévenir que la liberté de ce transit ne tende au détriment du commerce ou des droits territoriaux et de souveraineté de la Bavière, la Commission qui sera nommée en exécution de l'Article XX du présent Traité, réglera les formalités et les précautions requises pour éviter toute fraude à cet égard.

IX. Pour la navigation des rivières qui traversent les Etats des 2 Souverains, ou qui en font limites, on maintient de part et d'autre les stipulations du Traité de Teschen, et elles seront étendues à la Salza et à la Saal, en tant qu'elles séparent les 2 Etats, jusqu'à ce qu'on puisse y appliquer les principes généraux arrêtés par le Congrès de Vienne.

X. Les dettes hypothéquées sur les Pays respectivement cédés par le présent Traité, se régleront tant sur l'époque à laquelle elles ont été contractées, que sur les dates des Protocoles de Vienne, de Paris, et de tel autre Acte Officielle, qui établissent de part et d'autre le droit à la cession, de sorte que toutes les dettes contractées antérieurement aux dates de ces Actes, tombent à la charge du nouveau, et toutes celles contractées postérieurement, restent à la charge de l'ancien, Possesseur.

Afin de préciser davantage l'application de cette disposition, on établit:

1°. La date du 23 Avril 1815, pour les parties du Hausruckviertel, l'Innviertel, et la partie du Salzbourg, dont la cession a été arrêtée à Vienne ce même jour.

2°. Pour le reste de Salzbourg, non compris dans la cession antérieure du 23 Avril, on fixe le 24 Janvier 1816.

3°. Enfin, pour les autres cessions à la droite et à la gauche du Rhin, arrêtées tant à Vienne le 23 Avril qu'à Paris le 3 Novembre 1815, on se réglera sur ces 2 dates.

Les pensions, soldes de retraite, et appointemens, provenant de l'Administration des Pays respectifs, demeureront à la charge du nouveau Possesseur.

XI. Toute vente de domaines ou aliénation quelconque qui pourraient avoir été faites dans les Pays cédés de part et d'autre par le présent Traité, antérieurement aux époques établies dans l'Article précédent, seront maintenues. En échange, toutes celles faites postérieurement à ces époques, seront censées nulles et non-avenues. Dans le cas, cependant, où il seroit impossible de revenir sur une aliénation sans léser les intérêts des particuliers, acquéreurs à titre onéreux et légitime, les Hautes Parties Contractantes s'obligent à se tenir compte réciproquement du produit de ces aliénations.

XII. Les archives, cartes, plans, et documens quelconques, appartenans aux Pays respectivement cédés et échangés, ou concernant leur administration, seront fidèlement remis en même tems que les Territoires, ou si cela ne pouvoit avoir lieu de suite, dans un terme qui ne pourra être de plus de 3 mois après la mise en possession.

XIII. Les Conventions existantes entre les 2 Etats pour l'abolition du droit d'Aubaine, sont maintenues, et étendues à toutes les Possessions respectives.

XIV. Dans l'espace d'un an, à dater du jour de la Ratification, les Militaires, natifs des Pays cédés, ou d'autres qui, en vertu du présent Traité, passent sous l'une des deux dominations, seront remis à la disposition de leurs Souverains respectifs. Il est cependant convenu, que les Officiers ou Soldats qui voudront rester au service de l'un ou de l'autre Etat, en auront la liberté, sans qu'ils puissent être inquiétés en aucune manière.

XV. Les particuliers de toute classe, ainsi que les établissemens publics quelconques, et fondations pieuses de toute espèce, jouiront librement, sans aucune exception ni difficulté, de leurs propriétés foncières et mobilières situées ou placées sous la domination de l'une et de l'autre des Hautes Parties Contractantes.

Les Familles ou les Individus qui voudront émigrer, en auront la liberté, et ils auront le terme de 6 ans pour vendre leurs biens, et en exporter la valeur, sans payer de droits, ni subir de retenue quelconque.

XVI. Le 1 Mai de la présente Année, les Hautes Parties Contractantes entreranno simultanément en possession de toutes les Places, Fortresses, Villes, et Territoires, qui leur sont dévolus par le présent Traité.

XVII. Le Gouvernement Bavaois aura la faculté de faire retirer de Salzbourg, dans les 3 mois à dater de la ratification du présent Traité, les objets d'artillerie et de munition qu'il a fournis pour la dotation de cette Place.

XVIII. Il est également réservé au Gouvernement Bavaois un terme de 8 mois, à dater de la Ratification du présent Traité, pour vendre, apres vérification faite par la Commission désignée dans

l'Article XX, les magasins de sels, produits minéraux, fabrications de ses usines, et autres magasins quelconques, ou pour les exporter, franc de toute espèce de droits, péages, et retenues.

XIX. Les anciennes limites qui séparent le Pays de Salzbourg de celui de Berchtoldsgaden, qui reste à la Couronne de Bavière, et du Bailliage de Reichenhall ayant plusieurs points litigieux, les 2 Hautes Parties Contractantes sont convenues d'envoyer sur les lieux, aussitôt que la saison le permettra, une Commission mixte, pour les régler définitivement d'une manière qui coupe racine pour l'avenir à toute espèce de contestation.

XX. Il sera en outre nommé immédiatement une Commission Spéciale, composée d'un nombre égal d'individus de part et d'autre, laquelle sera chargée de la liquidation, et de tous les arrangements relatifs aux prétentions qui découleront de la remise respective.

Cette Commission se réunira à Salzbourg, et son travail sera terminé dans le terme de 6 mois.

XXI. Tout ce qui concerne les anciennes concessions et exploitations des Forêts de la Vallée de la Saal, affectées depuis des siècles aux besoins des usines de Reichenhall, sera réglé par la Commission nommée en suite de l'Article XX du présent Traité. Elle fixera cet arrangement sur la base des transactions entre le Gouvernement Bavarois et les Princes Archevêques de Salzbourg, en prenant néanmoins égard aux besoins réciproques des 2 Etats.

XXII. Le Gouvernement Bavarois aura la faculté de faire transporter et flotter toute la provision des bois qui ont été coupés l'Année dernière dans la Vallée de la Haute Saal, pour l'approvisionnement de ses usines, sans être assujettie à payer des droits ou à d'autres frais. La quantité et la qualité de ces bois seront constatées par la Commission à nommer en conformité de l'Article XX.

XXIII. Sa Majesté l'Empereur d'Autriche renonce, pour elle, Ses Héritiers et Successeurs, à tous droits et prétentions sur les Etats, Terres, Domaines, et Possessions, appartenans, en vertu du présent Traité, à Sa Majesté le Roi de Bavière ;

Et Sa Majesté le Roi de Bavière renonce, pour elle, ses Héritiers et Successeurs, à tous droits et prétentions sur les Etats, Terres, Domaines, et Possessions, appartenans, en vertu du présent Traité, à Sa Majesté l'Empereur d'Autriche.

XXIV. Les parties de Territoire échangées et garanties par ce Traité, passeront à leur nouveau Possesseur, avec tous les revenus et perceptions, à dater du jour de la prise de possession.

XXV. Sa Majesté l'Empereur d'Autriche garantit à Sa Majesté le Roi de Bavière la jouissance libre et paisible, ainsi que la Souveraineté pleine et entière, de tous les Etats, Villes, Forteresses, et Domaines, dont elle se trouve aujourd'hui en possession, et qui lui seront dévolus en vertu du présent Traité.

Les 2 Hautes Parties Contractantes inviteront les Cours Alliées de Pétersbourg, de Londres, et de Berlin, à l'effet d'en obtenir la même garantie, ainsi que leur accession à la Transaction de ce jour.

XXVI. Le présent Traité sera ratifié, et les Ratifications seront échangées à Munich, dans le terme de 15 jours, ou plutôt si faire se peut.

En foi de quoi les Plénipotentiaires respectifs l'ont signé, et l'ont muni du Cachet de leurs Armes.

Fait à Munich, le 14 Avril, l'an de Grâce 1816.

(L. S.) LE BARON DE WACQUANT GEOZELLES.

(L. S.) LE COMTE DE MONTGELAS.

(L. S.) LE COMTE DE RECHBERG.

CORRESPONDENCE between The United States and Great Britain, relating to the Negotiation of the Convention between the Two Countries, of the 20th October, 1818. 1815 to 1820.*

(Presented to Congress, 1823.)

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No. 1.—*Mr. Monroe to Mr. Baker.*

SIR, *Department of State, Washington, 18th July, 1815.*

I HAVE the honour to communicate to you a Copy of a Letter from the Collector of the Customs at Barnstable, to the Secretary of the Treasury, by which it appears that an American Vessel, engaged in the Cod Fishery, in longitude $65^{\circ} 20'$, latitude $42^{\circ} 41'$, was warned off by the Commander of the British Sloop of War, *Jaseur*, and ordered not to approach within 60 miles of the Coast; with which order the Master of the American Vessel immediately complied. It appears also, that a similar warning had been given by the Commander of the *Jaseur* to all the other American Vessels which were then in sight.

This extraordinary measure has excited no small degree of surprise. Being altogether incompatible with the rights of The United States, it is presumed that it has not been authorized by your Government. I invite your attention to it, in the hope, that, as you have been charged by your Government with the execution of the late Treaty of Peace, and are acquainted with its views on all questions connected with it, you will consider yourself authorized to interpose to prevent the progress of an evil which will be so extensively and deeply felt by the Citizens of The United States.

I have, &c.

Anthony St. John Baker, Esq.

JAMES MONROE.

(*Enclosure.*)—*The Collector of Customs at Barnstable, to the Secretary of the Treasury.*

SIR, *Collector's Office, Barnstable, 3d July, 1815.*

I THINK it my duty to inform you, that the Captain of a Vessel regularly licensed for the Cod Fishery, has just reported to this Office, that on the 19th day of June last, being in longitude $65^{\circ} 20'$, north latitude $42^{\circ} 41'$, about 45 miles distant from Cape Sables, he fell in with His Britannic Majesty's Sloop of War, *Jaseur*, N. Lock, Commander, who warned him off, and endorsed his Enrolment and License in the words following:

"Warned off the Coast by His Majesty's Sloop *Jaseur*, not to come within 60 miles.

19th June, 1815."

N. LOCK, *Commander.*

In consequence of which, the Fisherman immediately left the fishing ground, and returned home without completing his fare.

The Captain of the Fisherman further states, that all the Fishing

Vessels then in sight were warned off in the same manner, by the said Captain Lock.

I am, &c.

The Hon. A. J. Dallas.

ISAIAH L. GREEN.

No. 2.—Mr. Baker to Mr. Monroe.

SIR,

Philadelphia, 31st August, 1815.

I HAVE the honour to acknowledge the receipt of your Letter of the 18th ultimo, together with its Enclosure, relating to the warning off, to the distance of 60 miles from the Coast of Nova Scotia, of some American Fishing Vessels, by His Majesty's Brig *Jaseur*.

This measure was, as you have justly presumed in your Note, totally unauthorized by His Majesty's Government, and I have the satisfaction to acquaint you, that orders have been given by the Naval Commanders in Chief on the Halifax and Newfoundland Stations, which will effectually prevent the recurrence of any similar interruption to the Vessels belonging to The United States engaged in fishing on the high seas.

I have, &c.

The Hon. James Monroe.

ANTHONY ST. JOHN BAKER.

No. 3.—Mr. Monroe to Mr. Adams.

(Extract.)

Washington, 21st July, 1815.

AMONG the acts which we have to complain of with greatest earnestness, is a late warning given by the Commander of a British Sloop of War to our Fishermen, near the coast of the British Northern Colonies, to retire thence to the distance of 20 leagues. This, it is presumed, has been done under a construction of the late Treaty of Peace, which, by being silent on the subject, left that important interest to rest on the ground on which it was placed by the Treaty of 1783. The right to the Fisheries required no new Stipulation to support it. It was sufficiently secured by the Treaty of 1783. This important subject will claim your early attention. The measure thus promptly taken by the British Government, without any communication with this Government, notwithstanding the declaration of our Ministers at Ghent that our right would not be affected by the silence of the Treaty, indicates a spirit which excites equal surprise and regret, one which by no means corresponds with the amicable relations established between the 2 Countries by that Treaty; or with the spirit with which it has been executed by The United States.

As you are well acquainted with the solidity of our right to the Fisheries in question, as well as to those on the Grand Bank, and elsewhere on the main Ocean, to the limit of a marine league only from the coast, (for the pretension to remove us 20 leagues is too absurd to be discussed,) I shall not dilate on it, especially at this time. It is sufficient to observe here, that the right of The United States to take fish on the coast of Newfoundland, and on the coasts, bays, and creeks,

of all other His Britannic Majesty's Dominions in America, and to dry and cure fish in any of the unsettled bays, harbours, and creeks, of Nova Scotia, Magdalen Islands, and Labrador; in short, that every right appertaining to the Fisheries, which was secured by the Treaty of 1783, stands now as unshaken and perfect as it then did, constituting a vital part of our political existence, and resting on the same solid foundation as our independence itself. In the act of dismemberment and partition, the rights of each party were distinctly defined. So much of territory and incidental rights were allotted to one—so much to the other: and as well might it be said, because our boundary had not been retraced in the late Treaty, in every part, that certain portions of our Territory had reverted to England, as that our right to fish, by whatever name secured, had experienced that fate. A liberty of unlimited duration, thus secured, is as much a right as if it had been stipulated by any other term. Being to be enjoyed by one, adjoining the Territory allotted by the partition to the other party, it seemed to be the appropriate term. I have made these remarks to shew the solid ground on which this right is deemed to rest by this Government, relying on your thorough knowledge of the subject to illustrate and support it in the most suitable manner.

It can scarcely be presumed, that the British Government, after the result of the late experiment, in the present state of Europe, and under its other engagements, can seriously contemplate a renewal of hostilities. But it often happens with Nations, as well as with Individuals, that a just estimate of its interest and duties is not an infallible criterion of its conduct. We ought to be prepared at every point to guard against such an event. You will be attentive to circumstances, and give us timely notice of any danger which may be menaced.

Mr. Adams.

JAMES MONROE.

No. 4.—Mr. Adams to Mr. Monroe.

(Extract)

London, 15th August, 1815.

I HAD mentioned the subject of the slaves in my first interview with him, (Lord Castlereagh,) and he had then expressed an intention to refer it to the Commissioners, with whom we were then negotiating the Commercial Convention. But they received no Instructions relative to it; and considered their powers as limited to the objects upon which my Colleagues were authorised, conjointly with me, to treat. The day before Lord Castlereagh left town, I spoke to him again concerning it. He had just received Despatches from Mr. Baker relating to it, but had not had time to read them, and merely told me that, during his absence, Lord Liverpool, or Lord Bathurst, would attend to the business of his Department. After writing the Note, of which the Copy is enclosed, I requested an interview with Lord Liverpool, for which he appointed last Saturday, but an accident prevented me from then

meeting him. I have renewed the request, but as he was not in Town when my Note was sent, it may be deferred until after Mr. Bagot's departure.

The Hon. James Monroe.

JOHN QUINCY ADAMS.

No. 5.—Mr. Adams to Viscount Castlereagh.

(Extract.)

Charles Street, Westminster, 9th August, 1815.

IN two several Conferences with your Lordship, I have had the honour of mentioning the refusal of His Majesty's Naval Commanders, who, at the restoration of Peace between The United States and Great Britain, were stationed on the American Coast, to restore the Slaves taken by them from their Owners in The United States during the War, and then in their possession, notwithstanding the Stipulation of Article I, of the Treaty of Ghent, that such Slaves should not be carried away. Presuming that you are in possession of the Correspondence on this subject, which has passed between the Secretary of State of The United States and Mr. Baker, it will be unnecessary for me to repeat the demonstration that the carrying away of these Slaves is incompatible with the terms of the Treaty. But, as a reference to the Documents of the Negotiation at Ghent may serve to elucidate the intentions of the Contracting Parties, I am induced to present them to your consideration, in the hope, that His Majesty's Minister now about to depart for The United States, may be authorised to direct the restitution of the Slaves, conformably to the Treaty; or, to provide for the payment of the value of those carried away contrary to that Stipulation, which, in the event of their not being restored, I am instructed by my Government to claim. The first Projet of the Treaty of Ghent was offered by the American Plenipotentiaries; and that part of Article I, relating to Slaves, was therein expressed in the following manner:—"All Territory, Places, and Possessions, without exception, taken by either Party from the other during the War, or which may be taken after the signing of this Treaty, shall be restored without delay, and without causing any destruction, or carrying away any artillery, or other public property, or any Slaves, or other private property."

This Projet was returned by the British Plenipotentiaries, with the proposal of several alterations, and, among the rest, in this part of the first Article, which they proposed should be so changed as to read thus:—

"All Territory, Places, and Possessions, without exception, belonging to either Party, and taken by the other, during the War, or which may be taken after the signing of this Treaty, shall be restored without delay, and without causing any destruction, or carrying away any of the artillery, or other public property, or any slaves, or other private property, originally captured in the said Forts or Places, and

which shall remain therein upon the exchange of the Ratifications of this Treaty."

It will be observed that, in this proposal, the words "originally captured in the said Forts or Places, and which shall remain therein upon the exchange of the Ratifications of this Treaty," operated as a modification of the Article as originally proposed in the American Projet. Instead of stipulating that no property, public or private, artillery, or Slaves, should be carried away, they limited the prohibition of removal to all such property as had been originally captured in the Forts and Places, and should remain there at the exchange of the Ratifications. They included within the limitation, private as well as public property; and had the Article been assented to in this form by the American Plenipotentiaries, and ratified by their Government, it would have warranted the construction which the British Commanders have given to the Article as it was ultimately agreed to, and which it cannot admit.

For, by reference to the Protocol of Conference held on the 1st of December, 1814, there will be found among the alterations to the amended Projet, proposed by the American Plenipotentiaries, the following:

"Transpose alteration consisting of the words '*originally captured in the said Forts or Places, and which shall remain therein, upon the exchange of the Ratifications of this Treaty*, after the words *public property*.' Agreed to by the British Plenipotentiaries."

It thus appears that the American Plenipotentiaries admitted, with regard to artillery and public property, the limitation which was proposed by the British amended Projet, but that they did not assent to it with regard to Slaves and private property; that, on the contrary, they asked such a transposition of the words of limitation, as would leave them applicable only to artillery and public property, and would except Slaves and private property from the operation altogether. That the British Plenipotentiaries and Government, by this proposed transposition of the words, had full notice of the views of the other Contracting Party, in adhering to the generality of the prohibition to carry away Slaves and private property, while acquiescing in a limitation with respect to artillery and public property. With this notice, the British Government agreed to the transposition of the words, and, accordingly, that part of the Article, as ratified by both Governments, now stands thus:—

"All Territory, Places, and Possessions, whatsoever, taken by either Party from the other, during the War, or which may be taken after the signing of this Treaty, excepting only the Islands hereinafter mentioned, shall be restored without delay, and without causing any destruction, or carrying away any of the artillery, or other public property, originally captured in the said Forts or Places, and which

shall remain therein upon the exchange of the Ratifications of this Treaty, or any Slaves, or other private property."

From this review of the stipulation, as originally proposed at the Negotiation of Ghent, as subsequently modified by the proposals of the respective Plenipotentiaries, and as finally agreed to by both the Contracting Parties, I trust it will remain evident that, in evacuating all Places within the jurisdiction of The United States, and in departing from their waters, the British Commanders were bound to not carry away any Slaves, or other private property of the Citizens of The United States, which had been taken upon their shores. Had the construction of the Article itself been, in any degree, equivocal, this statement of the manner in which it was drawn up, would have sufficed to solve every doubt of its meaning. It would also shew, that the British Plenipotentiaries were not unaware of its purport as understood by those of The United States.

Viscount Castlereagh.

JOHN QUINCY ADAMS.

No. 6.—Mr. Adams to Mr. Monroe.

(Extract.)

London, 5th September, 1815.

IN compliance with your Instructions of 21st July, I have this day addressed Lord Castlereagh, claiming payment from the British Government for the Slaves carried away from Cumberland Island, and the adjoining waters, after the Ratification of the Treaty of Peace, and in contravention to one of the express Stipulations of that Treaty.

My preceding Despatches will have informed you of the steps I had taken, by an Official Letter to Lord Castlereagh, and by a personal interview with the Earl of Liverpool, in relation to this subject, previous to the receipt of your last Instructions. The Letter to Lord Castlereagh has, hitherto, remained unanswered; and Lord Liverpool made no attempt to answer either the reasoning of your Letter on the subject to Mr. Baker, or the statement of the proof, with regard to the meaning of the Article, resulting from the manner in which it had been drawn up and agreed to. The substance of what he said, was, that, in agreeing to the Article as it stands, they had not been aware that it would bind them to restore the Slaves, whom their Officers had enticed away by promises of freedom.

The case of these Slaves carried away from Cumberland, seems not even to admit of the distinction to which Mr. Baker and Lord Liverpool resorted. Yet the prospect of obtaining either restoration or indemnity appears to me not more favourable in this case than in any others of the same class. If there were any probability that this Government would admit the principle of making indemnity, it would become necessary for me to remark, that the List of Slaves transmitted

to me, and of which I have sent to Lord Castlereagh a Copy, is not an authenticated Document.

The Hon. James Monroe.

JOHN QUINCY ADAMS.

(Enclosure.)—Mr. Adams to Viscount Castlereagh.

MY LORD, *Charles Street, Westminster, 5th September, 1815:*

IN the Letter which I had the honour of addressing to your Lordship, on the 9th of August last, I stated that I had been instructed by my Government to claim the payment of the value of the Slaves carried away from The United States, by the British Naval Commanders stationed on the American Coast, notwithstanding the express stipulation to the contrary in the first Article of the Treaty of Ghent, in the event that such Slaves should not be restored to their Owners.

The enclosed is a Copy of a List of 702 Slaves, taken in the State of Georgia, by the Forces under the command of Rear Admiral Cockburn, and carried away, after the Ratification of the Treaty of Peace, from Cumberland Island, or the waters adjacent to the same, which has been transmitted to me by the Secretary of State of The United States, with a new Instruction to claim the indemnity, justly due to the Owners, to the full value of each Slave. Should His Majesty's Government now prefer to restore the Slaves, who must yet be in their possession or that of their Officers, it is presumed to be still practicable; but their removal having been in contravention to the express stipulation of the Treaty, it is to the faith of Great Britain, pledged by that stipulation, that The United States can alone recur for indemnification to the Owners for the loss of their property, if the Slaves are not restored.

If it should be deemed expedient rather to make this compensation than to restore the Slaves to their Owners, I am authorized to enter into such arrangements as may be thought proper, for ascertaining the amount of the indemnity to be made, and settling the manner in which it may be allowed.

I have, &c.

Viscount Castlereagh.

JOHN QUINCY ADAMS.

No. 7.—Mr. Adams to Mr. Monroe.

(Extract.)

London, 19th September, 1815.

THE transactions to which your Instructions, of 21st July, have reference, were of a character to excite, in the highest degree, the attention of the Government of The United States. So many simultaneous acts of British Officers, at various Stations, and upon both elements, indicating a marked spirit of hostility, were calculated to inspire serious doubts with regard to the pacific, not to say the amicable, dispositions of the British Government; and the latter part of your Despatch made it incumbent upon me, under certain contingencies, to take measures, of which nothing that had occurred here had induced me even to think, as precautions which the course of events might render expedi-

ent. The Commercial Convention had shewn how excessively difficult it was for British and American Plenipotentiaries to agree upon any one point, in which the mutual interests of the 2 Countries were involved. It had shewn how very few points there were upon which any agreement could be made, and it was evident, from every thing excepting the personal courtesies of the Prince and his Cabinet, that the animosities of the condition from which the 2 Nations had lately emerged, had very little subsided. I had, however, before the receipt of your Despatch, not a suspicion that an immediate renewal of hostilities was contemplated ; and even now, although I perceive no reason for flattering myself that any satisfaction will be given us, upon any one of our causes of complaint, yet I do not apprehend that any act of open and avowed hostility will be sanctioned by the British Government, at the present moment. It must, however, be added, that the most, perhaps the only, unequivocal pledge of pacific intentions, is the reduction of the Fleet, not only to a Peace Establishment, but to an unusually small one. Your Despatch, and the several procedures to which it related, awakened an anxiety that nothing should be omitted which could be of any possible utility to our interests in this quarter.

Having formally renewed the claim for the restitution of the Slaves carried away contrary to the engagements of the Treaty of Peace, or for payment of their value as the alternative, there were other objects which I deemed it necessary to present again to the consideration of this Government. In the first instance, it seemed advisable to open them by a verbal communication, and I requested of Lord Bathurst an interview, for which he appointed the 14th instant, when I called at his Office in Downing Street. I said that, having lately received Despatches from you, respecting several objects of some importance to the relations between the 2 Countries, my first object, in asking to see him, had been, to inquire whether he had received from Mr. Baker a communication of the Correspondence between you and him, relative to the surrender of Michilimackinac ; to the proceedings of Colonel Nichols in the southern part of The United States ; and to the warning given by the Captain of the British armed Vessel, *Jaseur*, to certain American Fishing Vessels, to withdraw from the fishing grounds to the distance of 60 miles from the coast. He answered, that he had received all these Papers from Mr. Baker, about 4 days ago ; that an Answer with regard to the warning of the Fishing Vessels had immediately been sent ; but, on the other subjects, there had not been time to examine the Papers and prepare the Answers. I asked him if he could, without inconvenience, state the substance of the Answer that had been sent. He said, certainly. It had been, that, as on the one hand Great Britain could not permit the Vessels of The United States to fish within the creeks, and close upon the shores, of the British Territories, so, on the other hand, it was by no means her in-

tention to interrupt them in fishing any where in the open sea, or without the territorial jurisdiction, a marine league from the shore. And, therefore, that the warning given at the place stated, in the case referred to, was altogether unauthorized. I replied, that the particular act of the British Commander, in this instance, being disavowed, I trusted that the British Government, before adopting any final determination upon the subject, would estimate, in candor, and in that spirit of amity which my own Government was anxiously desirous of maintaining, in our relations with this Country, the considerations which I was instructed to present in support of the right of the People of The United States to fish on the whole Coast of North America, which they have uniformly enjoyed from the first settlement of the Country: that it was my intention to address, in the course of a few days, a Letter to him on the subject. He said that they would give due attention to the Letter that I should send him, but that Great Britain had explicitly manifested her intention concerning it: that this subject, as I doubtless knew, had excited a great deal of feeling in this Country, perhaps much more than its importance deserved; but their own Fishermen considered it as an excessive hardship to be supplanted by American Fishermen, even upon the very shores of the British Dominions. I said, that those whose sensibilities had been thus excited, had probably not considered the question of right in the point of view in which it had been regarded by us: that they were the sensibilities of a partial and individual interest, stimulated by the passions of competition, and considering the right of the Americans as if it had been a privilege granted to them by the British Government. If this interest was to have weight in determining the policy of the Cabinet, there was another interest liable to be affected in the opposite manner, which would be entitled equally to consideration: the manufacturing interest. The question of right had not been discussed at the Negotiation of Ghent. The British Plenipotentiaries had given notice that the British Government did not intend hereafter to grant to the People of The United States the right to fish, and to cure and dry fish, within the exclusive British jurisdiction in America, without an equivalent, as it had been granted by the Treaty of Peace in 1783. The American Plenipotentiaries had given notice, in return, that the American Government considered all the rights and liberties, in and to the Fisheries on the whole Coast of North America, as sufficiently secured by the possession of them, which had always been enjoyed previous to the Revolution, and by the recognition of them, in the Treaty of Peace in 1783. That they did not think any new stipulation necessary for a further confirmation of the right, no part of which did they consider as having been forfeited by the War. It was obvious, that the Treaty of Peace of 1783 was not one of those ordinary Treaties, which, by the usages of Nations, were held to be annulled by a subsequent War between the same Parties. It was not,

simply, a Treaty of Peace. It was a Treaty of Partition between 2 parts of one Nation, agreeing thenceforth to be separated into 2 distinct Sovereignities. The conditions, upon which this was done, constituted, essentially, the independence of The United States, and the preservation of all the fishing rights, which they had constantly enjoyed over the whole Coast of North America, was among the most important of them. This was no concession, no grant, on the part of Great Britain, which could be annulled by a War. There had been, in the same Treaty of 1783, a right recognized in British Subjects to navigate the Mississippi. This right the British Plenipotentiaries at Ghent, had considered as still a just claim on the part of Great Britain, notwithstanding the War that had intervened. The American Plenipotentiaries, to remove all future discussion upon both points, had offered to agree to an Article, expressly confirming both the rights. In declining this, an offer had been made on the part of Great Britain, of an Article, stipulating to negotiate in future, for the renewal of both the rights *for equivalents*, which was declined by the American Plenipotentiaries, on the express ground, that its effect would have been an implied admission that the rights had been annulled. There was, therefore, no Article concerning them in the Treaty, and the question, as to the right, was not discussed. I now stated the ground upon which the Government of The United States, considered the right as subsisting and unimpaired. The Treaty of 1783, was, in its essential nature, not liable to be annulled by a subsequent War. It acknowledged The United States as a sovereign and independent Power. It would be an absurdity, inconsistent with the acknowledgment itself, to suppose it liable to be forfeited by a War. The whole Treaty of Ghent did constantly refer to it as existing, and in full force; nor was an intimation given, that any further confirmation of it was supposed to be necessary. It would be for the British Government ultimately to determine, how far this reasoning was to be admitted as correct. There were, also, considerations of policy and expediency, to which I hoped they would give suitable attention, before they should come to a final decision upon this point. I thought it my duty to suggest them, that they might not be overlooked. The subject was viewed, by my Countrymen, as highly important, and I was anxious to omit no effort, which might, possibly, have an influence in promoting friendly sentiments between the 2 Nations, or in guarding against the excitement of others. These Fisheries afforded the means of subsistence to multitudes of People, who were destitute of any other. They also afforded the means of remittance to Great Britain in payment for articles of her manufactures, exported to America. It was well understood to be the policy of Great Britain, that no unnecessary stimulus should be given to the manufactures in The United States, which would diminish the importation from those of Great Britain. But, by depriving the Fishermen

of The United States of this source of subsistence, the result must be to throw them back upon the Country and drive them to the resort of manufacturing for themselves; while, on the other hand, it would cut off the means of making remittances in payment for the manufactures of Great Britain.

I thought it best to urge every consideration, which might influence a party having other views in that respect, to avoid coming to a collision upon it. I would even urge considerations of humanity. I would say that Fisheries, the nature of which was to multiply the means of subsistence to mankind, were usually considered, by civilized Nations, as under a sort of special sanction. It was a common practice to have them uninterrupted even in time of War. He knew, for instance, that the Dutch had been, for centuries, in the practice of fishing upon the Coasts of this Island, and that they were not interrupted in this occupation, even in ordinary times of War. It was to be inferred from this, that, to interdict a Fishery, which has been enjoyed for ages, far from being an usual act in the peaceable relations between Nations, was an indication of animosity, transcending even the ordinary course of hostility in War. He said that no such disposition was entertained by the British Government. That to shew the liberality which they had determined to exercise in this case, he would assure me, that the Instructions which he had given to the Officers on that Station had been, not even to interrupt the American Fishermen, who might have proceeded to those Coasts, within the British Jurisdiction, for the present year; to allow them to complete their fares, but to give them notice that this privilege could no longer be allowed by Great Britain, and that they must not return the next year. It was not so much the fishing, as the drying and curing on the shores, that had been followed by bad consequences. It happened that our Fishermen, by their proximity, could get to the fishing stations sooner in the season than the British, who were obliged to go from Europe, and who, upon arriving there, found all the best fishing places, and drying and curing places, pre-occupied. This had often given rise to disputes and quarrels between them, which, in some instances, had proceeded even to blows. It had disturbed the peace among the inhabitants on the shores; and, for several years before the War, the complaints to this Government had been so great, and so frequent, that it had been impossible not to pay regard to them. I said, that I had not heard of any such complaints before, but that, as to the disputes arising from the competition of the Fishermen, a remedy could surely, with ease, be found for them, by suitable regulations of the Government; and with regard to the peace of the inhabitants, there could be little difficulty in securing it, as the liberty enjoyed by the American Fishermen was limited to unsettled and uninhabited places, unless they could, in the others, obtain the consent and agreement of the inhabitants.

The answer which was so promptly sent to the complaint, relative to the warning of the Fishing Vessels, by the Captain of the *Jaseur*, will, probably, be communicated to you before you will receive this Letter. You will see whether it is so precise, as to the limits within which they are determined to adhere to the exclusion of our Fishing Vessels, as Lord Bathurst's verbal statement of it to me—namely, to the extent of one marine league from their shores. Indeed it is to the curing and drying upon the shore, that they appear to have the strongest objection. But that, perhaps, is because that they know the immediate curing and drying of the fish, as soon as they are taken, is essential to the value, if not to the very prosecution of the fishery. I have no expectation that the arguments used by me, either in support of our right, or as to the policy of Great Britain upon this question, will have any weight here. Though satisfied of their validity myself, I am persuaded it will be upon the determination of the American Government and People to maintain the right, that the continuance of its enjoyment will alone depend.

The Hon. James Monroe.

JOHN QUINCY ADAMS.

No. 8.—Mr. Adams to Mr. Monroe.

(Extract.)

London, 26th September, 1815.

I HAVE the honour to enclose a Copy of a Letter which I have addressed to Lord Bathurst, on the subjects referred to in your Instructions of 21st July, and concerning which I had, on the 14th instant, an interview with him, the account of which was reported in my last Letter. I have not yet received any answer to either of those which I addressed to Lord Castlereagh, in relation to the Slaves carried away in violation of the 1st Article of the Treaty of Ghent.

The Hon. James Monroe.

JOHN QUINCY ADAMS.

(Enclosure.)—Mr. Adams to Earl Bathurst.

(Extract.)

Charles Street, Westminster, 25th September, 1815.

IN the Conference with your Lordship, with which I was honored on the 14th instant, I represented to you, conformably to the Instructions which I had received from the Government of The United States, the proceedings of several British Officers in America and upon the American Coast, marked with characters incompatible, not only with those amicable relations, which it is the earnest desire of the American Government to restore and to cultivate, but even with the condition of Peace, which had been restored between the 2 Countries by the Treaty of Ghent.

It was highly satisfactory to be informed that the conduct of Captain Lock, Commander of the Sloop of War *Jaseur*, in warning American Fishing Vessels not to come within 60 miles of the Coast of His Majesty's Possessions in North America, was unauthorized, and that the

Instructions to the British Officers on that Station, far from warranting such a procedure, had directed them not even to molest the American Fishing Vessels which might be found pursuing that occupation during the present year. In offering a just tribute of acknowledgment to the fairness and liberality of these Instructions issued from your Lordship's Office, there only remained the regret, that the execution had been so different from them in spirit, so opposite to them in effect.

But, in disavowing the particular act of the Officer, who had presumed to forbid American Fishing Vessels from approaching within 60 miles of the American Coast, and assuring me that it had been the intention of this Government, and the Instructions given by your Lordship, not even to deprive the American Fishermen of any of their accustomed liberties during the present year, your Lordship did also express it, as the intention of the British Government, to exclude the Fishing Vessels of The United States, hereafter, from the liberty of fishing within one marine league of the shores of all the British Territories in North America, and from that of drying and curing their fish on the unsettled parts of those Territories, and, with the consent of the Inhabitants, on those parts which have become settled since the Peace of 1783.

I then expressed to your Lordship my earnest hope that this determination had not been irrevocably taken, and stated the Instructions which I had received, to present to the consideration of His Majesty's Government the grounds upon which The United States conceive those liberties to stand, and upon which they deem that such exclusion cannot be effected without an infraction of the rights of the American People.

In adverting to the origin of these liberties, it will be admitted, I presume, without question that, from the time of the Settlements in North America, which now constitute The United States, until their separation from Great Britain and their establishment as distinct Sovereignities, these liberties of fishing, and of drying and curing fish, had been enjoyed by them in common with the other Subjects of the British Empire. In point of principle they were pre-eminently entitled to the enjoyment, and, in point of fact, they had enjoyed more of them than any other portion of the Empire; their Settlement of the neighbouring Country having naturally led to the discovery and improvement of these Fisheries, and their proximity to the places where they are prosecuted, and the necessities of their condition having led them to the discovery of the most advantageous fishing grounds; and given them facilities in the pursuit of their occupation in those regions which the remoter Parts of the Empire could not possess. It might be added, that they had contributed their full share, and more than their share, in securing the conquest from France of the Provinces, on the Coasts of which these Fisheries were situated.

It was, doubtless, upon considerations such as these, that, in the Treaty of Peace between His Majesty and The United States of 1783, an express Stipulation was inserted, recognizing the rights and liberties which had always been enjoyed by the People of The United States in these Fisheries, and declaring that they should continue to enjoy the right of fishing on the Grand Bank, and other places of common jurisdiction, and have the liberty of fishing, and of drying and curing their fish, within the exclusive British jurisdiction on the North American Coasts, to which they had been accustomed, while themselves forming a part of the British Nation. This Stipulation was a part of that Treaty, by which His Majesty acknowledged The United States as free, sovereign, and independent States, and that he treated with them as such.

It cannot be necessary for me to prove, my Lord, that that Treaty is not, in its general provisions, one of those, which, by the common understanding and usage of civilized Nations, is, or can be considered as annulled by a subsequent War between the same Parties. To suppose that it is, would imply the inconsistency and absurdity of a sovereign and independent State, liable to forfeit its right of sovereignty, by the act of exercising it in a Declaration of War. But the very words of the Treaty attest that the sovereignty and independence of The United States were not considered or understood as grants from His Majesty. They were taken and expressed as existing before the Treaty was made, and as then only first formally recognized and acknowledged by Great Britain.

Precisely of the same nature were the rights and liberties in the Fisheries to which I now refer. They were, in no respect, grants from the King of Great Britain to The United States; but the acknowledgment of them, as rights and liberties enjoyed before the separation of the 2 Countries, and which, it was mutually agreed, should continue to be enjoyed under the new relations which were to subsist between them, constituted the essence of the Article concerning the Fisheries. The very peculiarity of the Stipulation is an evidence that it was not, on either side, understood or intended as a grant from one Sovereign State to another. Had it been so understood, neither could The United States have claimed, nor would Great Britain have granted, gratuitously, any such concession. There was nothing either in the state of things or in the disposition of the parties which could have led to such a Stipulation, as on the ground of a grant, without an equivalent, by Great Britain.

Yet such is the ground upon which it appears to have been contemplated as resting by the British Government, when their Plenipotentiaries at Ghent communicated to those of The United States, their intentions as to the North American Fisheries, viz: "That the British Government did not intend to grant to The United States, gratuitously,

the privileges formerly granted by Treaty to them, of fishing within the limits of the British Sovereignty, and of using the shores of the British Territories for purposes connected with the British Fisheries."

These are the words in which the notice given by them is recorded in the Protocol of the Conference of the 8th of August, 1814. To this notice the American Plenipotentiaries first answered, on the 9th of August, that they had no Instructions from their Government to negotiate upon the subject of the Fisheries, and afterwards, in their Note of 10th November, 1814, they expressed themselves in the following terms:

"In answer to the declaration made by the British Plenipotentiaries respecting the Fisheries, the Undersigned, referring to what passed in the Conference of the 9th August, can only state, that they are not authorized to bring into discussion any of the rights or liberties which The United States have heretofore enjoyed in relation thereto. From their nature, and from the peculiar character of the Treaty of 1783, by which they were recognized, no further Stipulation has been deemed necessary by the Government of The United States to entitle them to the full enjoyment of all of them."

If the Stipulation of the Treaty of 1783 was one of the conditions by which His Majesty acknowledged the sovereignty and independence of The United States, if it was the mere recognition of rights and liberties previously existing and enjoyed, it was neither a privilege gratuitously granted, nor liable to be forfeited by the mere existence of a subsequent War. If it was not forfeited by the War, neither could it be impaired by the declaration of Great Britain, that she did not intend to renew the grant. Where there had been no gratuitous concession there could be none to renew; the rights and liberties of The United States could not be cancelled by the declaration of Great Britain's intentions. Nothing could abrogate them but the renunciation of them by The United States themselves.

Among the Articles of that same Treaty of 1783, there is one, stipulating that the Subjects and Citizens of both Nations shall enjoy, for ever, the right of navigating the River Mississippi from its sources to the Ocean. And although, at the period of the Negotiations of Ghent, Great Britain possessed no Territory upon that river, yet the British Plenipotentiaries, in their first Note, considered Great Britain as still entitled to claim the free navigation of it, without offering for it any equivalent. And afterwards, when offering a boundary line, which would have abandoned every pretension, even to any future possession on that river, they still claimed not only its free navigation, but a right of access to it from the British Dominions in North America through the Territories of The United States. The American Plenipotentiaries, to foreclose the danger of any subsequent misunderstanding and discussion upon either of these points, proposed an Article, recognizing

anew the liberties on both sides. In declining to accept it, the British Plenipotentiaries proposed an Article, engaging to negotiate in future for the renewal of both, for equivalents to be mutually granted. This was refused by the American Plenipotentiaries on the avowed principle that its acceptance would imply the admission, on the part of The United States, that their liberties in the Fisheries, recognized by the Treaty of 1783, had been annulled, which they declared themselves in no manner authorized to concede.

Let it be supposed, my Lord, that the notice given by the British Plenipotentiaries, in relation to the Fisheries, had been in reference to another Article of the same Treaty. That Great Britain had declared she did not intend to grant again, gratuitously, the grant in a former Treaty of Peace, acknowledging The United States as free, sovereign, and independent States; or that she did not intend to grant, gratuitously, the same boundary line which she had granted in the former Treaty of Peace. Is it not obvious that the answer would have been, that The United States needed no new acknowledgment of their independence, nor any new grant of a boundary line. That if their independence was to be forfeited, or their boundary line curtailed, it could only be by their own acts of renunciation or of cession, and not by the declaration of the intentions of another Government. And if this reasoning be just, with regard to the other Articles of the Treaty of 1783, upon what principle can Great Britain select one Article, or a part of one Article, and say this particular stipulation is liable to forfeiture by War, or by the declaration of her will, while she admits the rest of the Treaty to be permanent and irrevocable? In the negotiations of Ghent, Great Britain did propose several variations of the boundary line, but she never intimated that she considered the line of the Treaty of 1783 as forfeited by the war, or that its variation could be effected by the mere declaration of her intentions. She perfectly understood that no alteration of that line could be effected but by the express assent of The United States, and when she finally determined to abide by the same line, neither the British nor the American Plenipotentiaries conceived that any new confirmation of it was necessary. The Treaty of Ghent, in every one of its essential Articles, refers to that of 1783, as being still in full force. The object of all its Articles, relative to the Boundary, is, to ascertain with more precision, and to carry into effect the provisions of that prior compact. The Treaty of 1783 is, by a tacit understanding between the Parties, and without any positive Stipulation, constantly referred to as the Fundamental Law of the relations between the 2 Nations. Upon what ground then can Great Britain assume that one particular Stipulation in that Treaty is no longer binding upon her?

Upon this foundation, my Lord, the Government of The United States consider the People thereof as fully entitled, of right, to all the

liberties in the North American Fisheries which have always belonged to them; which, in the Treaty of 1783, were, by Great Britain, recognized as belonging to them; and which they never have, by any act of theirs, consented to renounce. With these views, should Great Britain ultimately determine to deprive them of the enjoyment of these liberties by force, it is not for me to say whether, or for what length of time, they would submit to the bereavement of that which they would still hold to be their unquestionable right. It is my duty to hope that such measures will not be deemed necessary to be resorted to on the part of Great Britain; and to state, that, if they should, they cannot impair the right of the people of The United States to the liberties in question, so long as no formal and express assent of theirs shall manifest their acquiescence in the privation.

In the interview with which your Lordship recently favoured me, I suggested several other considerations, with the hope of convincing your Lordship, that, independent of the question of rigorous right, it would conduce to the substantial interests of Great Britain herself, as well as to the observance of those principles of benevolence and humanity, which it is the highest glory of a great and powerful Nation to respect, to leave to the American Fishermen the participation of those benefits which the bounty of nature has thus spread before them; which are so necessary to their comfort and subsistence; which they have constantly enjoyed hitherto; and which, far from operating as an injury to Great Britain, had the ultimate result of pouring into her lap a great portion of the profits of their hardy and laborious industry. That these Fisheries afforded the means of subsistence to a numerous class of people in The United States, whose habits of life had been fashioned to no other occupation, and whose fortunes had allotted them no other possession. That to another, and perhaps equally numerous class of our Citizens, they afforded the means of remittance and payment for the productions of British industry and ingenuity, imported from the manufactures of this United Kingdom. That by the common and received usages among civilized Nations, Fishermen were among those classes of human society whose occupations, contributing to the general benefit and welfare of the species, were entitled to a more than ordinary share of protection. That it was usual to spare and exempt them even from the most exasperated conflicts of national hostility. That this Nation had, for ages, permitted the Fishermen of another Country to frequent and fish upon the Coasts of this Island without interrupting them, even in times of ordinary war. That the resort of American Fishermen to the barren, uninhabited, and for the great part, uninhabitable rocks on the Coasts of Nova Scotia, the Gulf of St. Lawrence, and Labrador, to use them occasionally for the only purposes of utility of which they are susceptible, if it must, in its nature, subject British Fishermen, on the same Coasts, to the partial inconvenience of

a fair competition, yet produces, in its result, advantages to other British interests equally entitled to the regard and fostering care of their Sovereign. By attributing to motives derived from such sources as these, the recognition of these liberties by His Majesty's Government, in the Treaty of 1783, it would be traced to an origin certainly more conformable to the fact, and surely more honourable to Great Britain, than by ascribing it to the improvident grant of an unrequited privilege, or to a concession extorted from the humiliating compliance of necessity.

In repeating with earnestness all these suggestions, it is with the hope that, from some, or all of them, His Majesty's Government will conclude the justice and expediency of leaving the North American Fisheries in the state in which they have, heretofore, constantly existed, and the Fishermen of The United States unmolested in the enjoyment of their liberties.

Earl Bathurst.

JOHN QUINCY ADAMS.

No. 9.—Mr. Adams to Mr. Monroe.

SIR,

London, 31st October, 1815.

I HAVE the honour to enclose Copies of 2 Papers received from Lord Bathurst, relative to the taking and carrying away of Slaves from The United States by the British Naval Commander, in violation of Article I of the Treaty of Ghent; and also to an abuse of the privilege allowed to a Flag of Truce.

I have, &c.

The Hon. James Monroe.

JOHN QUINCY ADAMS.

(Enclosure.)—Earl Bathurst to Mr. Adams.

Foreign Office, 25th October, 1815.

THE Undersigned, One of His Majesty's Principal Secretaries of State, has had the honour to receive Mr. Adams's Letters of the 9th of August, and 5th of September last, the 1st of which recites Article I of the Treaty of Ghent, and requires, "that His Majesty's Naval Commanders, who, at the restoration of Peace between The United States and Great Britain, were stationed on the American Coast, should restore the Slaves taken by them from their Owners in The United States during the War, and then in their possession."

This claim is set up in consequence of the following interpretation, which is given to Article I of the said Treaty, by the Government of The United States, in as far as it relates to Slaves and private property, namely, "That, in evacuating all Places within the Jurisdiction of The United States, and in departing from their Waters, the British Commanders were bound not to carry away any Slaves, or other private property of the Citizens of The United States, which had been taken upon their shores;" and it takes its origin from a different con-

struction of the same Article of the Treaty, by His Majesty's Naval Officers on the Coast of America, who, (according to Mr. Monroe's Letter to Mr. Baker, of the 1st of April,) contend, that "Slaves and other private property are comprised under the same regulation with Artillery, and other public property; and that none ought, in consequence, to be restored except such as were, at the time of the exchange of the Ratifications of the Treaty, in the Forts and Places where they were originally taken.

The arguments brought forward by the American Government, in support of their understanding of Article I of the Treaty of Ghent, rest partly upon the wording of the Article itself, and partly upon such collateral evidence as may be deduced from the intention of the Negotiators at the time they drew up that Article.

The Undersigned need not remind Mr. Adams of the inconvenience which would result, were the Parties, upon whom Treaties are binding, to recur to the intentions of the Negotiators of such Treaty, instead of taking as their guide the context of the Treaty itself on any point of controversy respecting it.

The Undersigned is, however, willing to waive this objection.

In this instance, it would appear that the alteration in the original Article proposed by the British Commissioners, was introduced by a verbal amendment suggested by the American Plenipotentiaries. Many alterations of this kind took place, sometimes at the suggestion of one Party and sometimes of the other. But it is surely not meant to be inferred from this, that a change of phrase, professedly verbal, is to be taken as necessarily denoting or importing an admitted change of construction. It is certainly possible, that one Party may propose an alteration with a mental reservation of some construction of his own, and that the other may assent to it on a firm persuasion that the construction continues to be the same, and that, therefore, he may conciliate, and yet concede nothing by giving his assent. The proposed alteration was considered as merely verbal; no suspicion appears to have been entertained that it changed the Stipulation as originally introduced; and it is not averred that the American Plenipotentiaries then thought of the construction now set up by their Government. The meaning of the British Negotiators is admitted to have been made quite apparent by their *Projet*, and, as nothing passed indicative of any objection to it, on the part of the American Commissioners, or of any departure from it by the British Negotiators, when the alteration was suggested by one party and acceded to by the other, and as there was no discussion on the propriety of making the restitution more extensive as to Slaves and other private property, than as to the other property mentioned, the Undersigned cannot subscribe to the conclusions which Mr. Adams and his Government have drawn from this manner of viewing the subject.

The Undersigned will now proceed to examine that part of the subject which regards the construction that has been given to the context of the Article in question by the Government of The United States.

By the 1st Article of the Treaty it is stipulated, that "there shall be a firm and universal Peace between His Britannic Majesty and The United States, and between their respective Countries, Territories, Cities, Towns, and People of every degree, without exception of places or persons. All hostilities both by sea and land shall cease, as soon as this Treaty shall have been ratified by both Parties, as hereinafter mentioned. All Territory, Places, and Possessions, whatsoever, taken by either Party from the other during the War, or which may be taken after the signing of this Treaty, excepting only the Islands hereinafter mentioned, shall be restored without delay, and without causing any destruction or carrying away any of the artillery or other public property originally captured in the said Forts or Places, and which shall remain therein upon the exchange of the Ratifications of this Treaty, or any Slaves or other private property. And all Archives, Records, Deeds, and Papers, either of a public nature or belonging to private persons, which, in the course of the War, may have fallen into the hands of the Officers of either Party, shall be, as far as may be practicable, forthwith restored and delivered to the proper Authorities and Persons to whom they respectively belong.

"Such of the Islands in the Bay of Passamaquoddy as are claimed by both Parties, shall remain in the possession of the Party in whose occupation they may be at the time of the exchange of the Ratifications of this Treaty, until the decision respecting the title to the said Islands shall have been made in conformity with the IVth Article of this Treaty.

"No disposition made by this Treaty, as to such Possessions of the Islands and Territories claimed by both Parties, shall, in any manner whatever, be construed to affect the right of either."

The main purport of the 1st Article, in the former part of it, relates to the general pacification, and, in the latter part of it, to some of the direct consequences on the territorial Possessions of the 2 Countries, and the property within such Possessions. As to the public property in the Forts or Places to be restored, it provides that, if it shall have the double condition annexed to it, of having been originally captured therein, and of remaining therein when the Ratifications are exchanged, then such property is to be restored, and it is not to be destroyed or carried away.

It would surely have been unusual and unreasonable to have stipulated for the restitution of any property, which never had belonged to the Fort or Place, or which had been already destroyed, or carried away, so as no longer, in fairness, to have been considered as belong-

ing to it, for it would seem to have no connection with the subject-matter of that part of the Article in which the Stipulation concerning it must be supposed to occur. As to public property, it appears quite plain, that the carrying away here spoken of, is *from* the Fort or Place to which it belonged, and from no other; for the condition which is admitted to apply to that, would otherwise have no application at all. And no sound reason can be given, why the condition might not, in both its branches, apply as well to private as to public property, provided the construction would fairly admit of it. Both Parties appear to agree as to the conditions which relate to public property. But, then immediately follow, in the same sentence, the words "or any Slaves, or other private property," and here the question is, whether Slaves and other private property are to be restored under the same limitation, provided in the same Article, and in that part of it which immediately precedes the words in question, or whether they are to be restored under different Provisions.

In the first place, the words do not admit of, nor is it contended by either Party that there is, any distinction, whatever, made in this Article, between Slaves and other private property. They are incontestably placed on the same footing, and whatever stipulations in this Article apply to Slaves, as one description of private property, must, of necessity, apply equally to all other private property referred to in the Article.

The question then is, under what conditions is it stipulated that private property, (Slaves inclusive,) is to be restored? If it be contended, that, by the position of the words in this Article, private property is released from all the conditions, under which it is admitted that public property is to be restored, the restitution becomes in that case unconditional. But Mr. Monroe does not contend for an unconditional restitution, and therefore seems to admit, that the stipulation respecting private property is not a new and substantial stipulation, independent of preceding words, but that the words "carrying away," which, in the preceding part of the sentence, apply to the restitution of public property, apply equally to the restitution of private property. But, if the words, "carrying away," apply to private as well as to public property, how entirely arbitrary it is to say, that the intervening words do apply to the one, and do not apply to the other, although the words "carrying away," grammatically govern both. Admitting, however, this arbitrary construction, still it would be more extensive than that for which Mr. Monroe contends. For, in that case, there would be no limitation assigned, as to the place where the private property was originally captured, nor any limitation as to the place from whence the private property was not to be carried away. All Merchant Vessels, therefore, captured on the high Seas, and their effects, must, according to this construction, be restored, even if they should not be within the

limits of The United States, at the time of the exchange of the Ratifications. Neither would there be any limitation as to the time subsequent to which the carrying away is not to take place. It might be from the commencement of the War, or from the signature of the Treaty, or from the exchange of the Ratifications: whereas, Mr. Monroe contends, that the places where they had been originally captured, the places from whence they must not be carried away, and the period to which this limitation applies, are all ascertained by the 1st Article.

According to the construction of this Article by the American Government, the private property, in contemplation, is limited to such as had been originally captured within the Territories of The United States; and such property, so captured, must not be carried away after the exchange of the Ratifications, nor from any place within the limits of The United States, whether this private property be, at that period, in American Ports, or British Ships of War, or British Vessels.

But if the 1st Article provide for all these stipulations, one of them placing private property on the same footing as that on which, by the same, public property is placed, and the others establishing dissimilar conditions, it is impossible to look at those passages in this 1st Article, which can alone be made to apply to such provisions, and not be at once satisfied that these limitations cannot be extracted without such omissions and interpolations, as the Undersigned is persuaded that it is not the intention of the American Government to maintain. As to the application of this Article to private property, on ship board, neither does the 1st Article itself, nor did any discussion respecting it, express or refer to any such restitution of property remaining in British Ships of War or British Vessels. There are not only no words in the Article, which stipulate such a provision, but there is a provision in the 11th Article, which stipulates the contrary. By the 11th, the conditions are stipulated on which Vessels and their effects are to be restored. They are to be restored, if the Vessels be not captured until after a given time from the exchange of the Ratifications. If the Vessels were captured previous to the time limited, neither they, nor their effects, are to be restored, wherever such Vessels with their effects, may be, although they should be within the limits of The United States; yet, according to the Stipulations of the 11th Article, which have a direct application to private property, on ship board, if they have been captured within a limited time, they may be carried away at any subsequent period, without reference to the exchange of the Ratifications.

To Mr. Monroe's observation, that destruction, in the 1st Article, cannot apply to Slaves, it might be sufficient to answer, that the expression may certainly apply to other private property, and that the Stipulations which apply to the one must apply to the other; but the observation is, in truth, not material to the question at issue, because the point in dispute is not with reference to private property destroyed,

but to private property carried away, which words, it is admitted, do apply to Slaves and other private property. The question then seems to be this: is that construction the true one which is the most simple, and is grammatically correct, and was that which, it is admitted, one of the Contracting Parties intended, and against which the other did not at the time object; or is that construction to be adopted which was not at the time professed, which the words in the Article do not express, and which is in contravention of the Article which immediately follows it?

In this alternative, the Undersigned has no hesitation in communicating to Mr. Adams, that the British Government is under the necessity of adhering to the construction of the disputed point, in the 1st Article of the Treaty of Ghent, as set forth in this Note, much as it has to regret, that that construction should differ so widely from that of the Government of The United States.

The Undersigned requests Mr. Adams to accept, &c.

J. Q. Adams, Esq.

BATHURST.

No. 10.—Mr. Adams to Mr. Monroe.

SIR,

London, 8th November, 1815.

SINCE I had the honour of writing you last, of the 31st ultimo, I have received from Lord Bathurst a Note, in answer to my Letter to him relating to the Fisheries, Copy of which is herewith enclosed. I hope shortly to reply to this Note, and perceive nothing in it which can render the rights of The United States, to the participation in the Fisheries, in any manner dubious.

It will be for the Government of The United States to determine, whether the Negotiation proposed by Lord Bathurst will be advisable, and I pray to be honoured with the President's Instructions on the subject, as soon as possible.

I am, &c.

The Hon. James Monroe.

JOHN QUINCY ADAMS.

(Enclosure)—Earl Bathurst to Mr. Adams.

Foreign Office, 30th October, 1815.

THE Undersigned, One of His Majesty's Principal Secretaries of State, had the honour of receiving the Letter of the Minister of The United States, dated the 25th ultimo; containing the grounds upon which The United States conceive themselves, at the present time, entitled to prosecute their Fisheries within the limits of British Sovereignty, and to use British Territories for purposes connected with the Fisheries.

A pretension of this kind was certainly intimated on a former occasion, but in a manner so obscure that His Majesty's Government

were not enabled even to conjecture the grounds upon which it could be supported.

His Majesty's Government have not failed to give to the argument contained in the Letter of the 25th ultimo, a candid and deliberate consideration; and, although they are compelled to resist the claim of The United States, when thus brought forward as a question of right, they feel every disposition to afford to the Citizens of those States all the liberties and privileges connected with the Fisheries, which can consist with the just rights and interests of Great Britain, and secure His Majesty's Subjects from those undue molestations in their fishery, which they have formerly experienced from Citizens of The United States. The Minister of The United States appears, by his Letter, to be well aware, that Great Britain has always considered the liberty formerly enjoyed by The United States, of fishing within British limits, and using British Territory, as derived from the III^d Article of the Treaty of 1783, and from that alone; and that the claim of an independent State to occupy and use, at its discretion, any portion of the Territory of another, without compensation, or corresponding indulgence, cannot rest on any other foundation than conventional stipulation. It is unnecessary to inquire into the motives which might have originally influenced Great Britain, in conceding such liberties to The United States, or whether other Articles of the Treaty, wherein these liberties are specified, did, or did not, in fact, afford an equivalent for them; because all the Stipulations profess to be founded on reciprocal advantages and mutual convenience. If The United States derived from that Treaty, privileges from which other independent Nations, not admitted by Treaty, were excluded, the duration of the privileges must depend on the duration of the instrument by which they were granted, and if the War abrogated the Treaty, it determined the privileges. It has been urged, indeed, on the part of The United States, that the Treaty of 1783 was of a peculiar character, and that because it contained a recognition of American independence, it could not be abrogated by a subsequent War between the Parties. To a position of this novel nature, Great Britain cannot accede. She knows of no exception to the rule, that all Treaties are put an end to by a subsequent War between the same Parties; she cannot, therefore, consent to give to her diplomatic relations with one State, a different degree of permanency from that on which her connection with all other States depends. Nor can she consider any one State at liberty to assign to a Treaty made with her, such a peculiarity of character, as shall make it, as to duration, an exception to all other Treaties, in order to found, on a peculiarity thus assumed, an irrevocable title to indulgences, which have all the features of temporary concessions.

The Treaty of Ghent has been brought forward by the American Minister, as supporting, by its reference to the boundary line of The

United States, as fixed by the Treaty of 1783, the opinion that the Treaty of 1783 was not abrogated by the War. The Undersigned, however, cannot observe, in any one of its Articles, any express or implied reference to the Treaty of 1783, as still in force. It will not be denied, that the main object of the Treaty of Ghent was the mutual restoration of all Territory taken by either Party from the other during the War. As a necessary consequence of such a Stipulation, each Party reverted to their Boundaries as before the War, without reference to the title by which these Possessions were acquired, or to the mode in which their Boundaries had been previously fixed. In point of fact, The United States had before acquired possession of Territories, asserted to depend on other titles than those which Great Britain could confer. The Treaty of Ghent, indeed, adverted, as a fact of possession, to certain Boundaries of The United States, which were specified in the Treaty of 1783, but surely it will not be contended that, therefore, the Treaty of 1783 was not considered at an end.

It is justly stated by the American Minister, that The United States did not need a new grant of the Boundary Line. The War did not arise out of a contested Boundary; and Great Britain, therefore, by the act of treating with The United States, recognized that Nation in its former dimensions, excepting so far as the *jus belli* had interfered with them, and it was the object of the Treaty of Ghent to cede such rights to Territory as the *jus belli* had conferred.

Still less does the free Navigation of the Mississippi, as demanded by the British Negotiators at Ghent, in any manner express or imply the non-abrogation of the Treaty of 1783, by the subsequent War. It was brought forward by them, as one of many advantages, which they were desirous of securing to Great Britain, and if, in the first instance demanded without equivalent, it left it open to the Negotiators of The United States to claim for their Government, in the course of their Conferences, a corresponding benefit. The American Minister will recollect, that propositions of this nature were, at one time, under discussion, and that they were only abandoned at the time that Great Britain relinquished her demand to the Navigation of the Mississippi. If then the demand, on the part of Great Britain, can be supposed to have given any weight to the present argument of The United States, the abandonment of that demand must have effectually removed it.

It is by no means unusual for Treaties containing recognitions and acknowledgments of title, in the nature of perpetual obligation, to contain, likewise, grants of privileges liable to revocation. The Treaty of 1783, like many others, contained provisions of different characters, some in their own nature irrevocable, and others of a temporary nature. If it be thence inferred, that, because some advantages specified in that Treaty, would not be put an end to by the War, therefore all the other advantages were intended to be equally permanent, it must first

be shewn that the advantages themselves are of the same, or, at least, of a similar character; for the character of one advantage recognized, or conceded by Treaty, can have no connection with the character of another, though conceded by the same Instrument, unless it arises out of a strict and necessary connection between the advantages themselves. But, what necessary connection can there be between a right to independence and a liberty to fish within British jurisdiction, or to use British Territory? Liberties within British limits are as capable of being exercised by a dependent, as by an independent State, and cannot, therefore, be the necessary consequence of independence.

The independence of a State is that which cannot be correctly said to be granted by a Treaty, but to be acknowledged by one. In the Treaty of 1783, the independence of The United States was certainly acknowledged, but it had been before acknowledged, not merely by the consent to make the Treaty, but by the previous consent to enter into the Provisional Articles executed in November, 1782. The independence might have been acknowledged, without either the Treaty or the Provisional Articles; but by whatever mode acknowledged, the acknowledgment is, in its own nature, irrevocable. A power of revoking, or even of modifying it, would be destructive of the thing itself, and, therefore, all such power is necessarily renounced, when the acknowledgment is made. The War could not put an end to it, for the reason justly assigned by the American Minister, because a Nation could not forfeit its sovereignty by the act of exercising it; and for the further reason that Great Britain, when she declared War on her part, against The United States, gave them, by that very act, a new recognition of their independence.

The nature of the liberty to fish within British limits, or to use British Territory, is essentially different from the right to independence, in all that may reasonably be supposed to regard its intended duration. The grant of this liberty has all the aspect of a policy temporary and experimental, depending on the use that might be made of it, on the condition of the Islands and Places where it was to be exercised, and the more general conveniences or inconveniences, in a military, naval, or commercial point of view, resulting from the access of an independent Nation to such Islands and Places.

When, therefore, Great Britain, admitting the independence of The United States, denies their right to the liberties for which they now contend, it is not that she selects, from the Treaty, Articles, or parts of Articles, and says, at her own will, this stipulation is liable to forfeiture by War, and that is irrevocable; but the principle of her reasoning is, that such distinctions arise out of the provisions themselves, and are founded on the very nature of the grants. But the rights acknowledged by the Treaty of 1783, are not only distinguishable from the liberties conceded by the same Treaty, in the foundation upon which they stand, but they are carefully distinguished in the

Treaty of 1783 itself. The Undersigned begs to call the attention of the American Minister to the wording of the Ist and IIId Articles, to which he has often referred for the foundation of his arguments. In the Ist Article, Great Britain acknowledges an independence already expressly recognized by other Powers of Europe, and by herself, in her consent to enter into provisional Articles, of November, 1782. In the IIId Article, Great Britain acknowledges the *right* of The United States to take fish on the banks of Newfoundland, and other places, from which Great Britain had no right to exclude an independent Nation. But they are to have the *liberty* to take Fish on the Coasts of His Majesty's Dominions in America, and *liberty* to cure and dry them in certain unsettled places, within His Majesty's Territory. If these liberties, thus granted, were to be as perpetual and indefeasible as the rights previously recognized, it is difficult to conceive, that the Plenipotentiaries of The United States would have admitted a variation of language, so adapted to produce a different impression; and, above all, that they should have admitted so strange a restriction of a perpetual and indefeasible right, as that with which the Article concludes, which leaves a right, so practical and so beneficial as this is admitted to be, dependent on the will of British Subjects, in their character of Inhabitants, Proprietors, or Possessors, of the soil, to prohibit its exercise altogether.

It is surely obvious that the word *right* is, throughout the Treaty, used as applicable to what The United States were to enjoy in virtue of a recognized independence, and the word *liberty* to what they were to enjoy, as concessions strictly dependent on the Treaty itself.

The right of The United States has been asserted upon other arguments, which appear to the Undersigned not altogether consistent with those that had been previously advanced. It has been argued by the Minister of The United States, that the Treaty of 1783 did not confer upon The United States the liberty of fishing within British Jurisdiction, and using British Territory, but merely recognized a right which they previously had; and it has been thence inferred, that the recognition of this right renders it as perpetual as that of their independence.

If the Treaty of 1783 did not confer the liberties in question, the Undersigned cannot understand why, in their support, the point should have been so much pressed that the Treaty is in force, notwithstanding the subsequent War. If, as stated by the American Minister, the time of the settlement of North America was the origin of the liberties of The United States in respect to the Fisheries, and their independence, as recognized in 1783, was, as further argued by him, the mere recognition of rights and liberties previously existing, (which must have been in virtue of their independence,) it would seem to follow, that their independence was recognized from the time of the [1819—20.]

settlement of North America, for no other period can be assigned. The Undersigned is totally unable to collect when the American Minister considers the independence of his Country to have commenced; yet this is a point of no small importance, if other rights are to be represented as coeval with it or dependent on it.

As to the origin of these privileges, in point of fact, the Undersigned is ready to admit, that so long as The United States constituted a part of the Dominions of His Majesty, the Inhabitants had the enjoyment of them as they had of other political and commercial advantages in common with His Majesty's Subjects. But they had, at the same time, in common with His Majesty's other Subjects, duties to perform; and when The United States by their separation from Great Britain became released from the duties, they became excluded also from the advantages, of British Subjects. They cannot, therefore, now claim, otherwise than by Treaty, the exercise of privileges belonging to them as British Subjects, unless they are prepared to admit, on the part of Great Britain, the exercise of the rights which she enjoyed previous to the separation.

If it be contended on the part of The United States, that, in consequence of having been once a part of the British Dominions, they are now entitled, as of right, to all the privileges which they enjoyed as British Subjects, in addition to those which they have as an independent People, the Undersigned cannot too strongly protest against such a doctrine; and it must become doubly necessary for Great Britain to hesitate in conceding the privileges which are now the subject of discussion, lest, by such a concession, she should be supposed to countenance a principle not less novel than alarming.

But, though Great Britain can never admit the Claim of The United States to enjoy these liberties, with respect to the Fisheries, as matter of right, she is by no means insensible to some of those considerations with which the Letter of the American Minister concludes.

Although His Majesty's Government cannot admit that the Claim of the American Fishermen to fish within British Jurisdiction, *and* to use the British Territory for purposes connected with their fishery, is analogous to the indulgence which has been granted to Enemy's Subjects engaged in fishing on the high seas, for the purpose of conveying fresh fish to market, yet they do feel that the enjoyment of the liberties formerly used by the Inhabitants of The United States may be very conducive to their national and individual prosperity, though they should be placed under some modifications; and this feeling operates most forcibly in favour of concession. But Great Britain can only offer the concession in a way which shall effectually protect her own Subjects from such obstructions to their lawful enterprises, as they too frequently experienced immediately previous to the late

War, and which are, from their very nature, calculated to produce collision and disunion between the 2 States.

It was not of fair competition that His Majesty's Government had reason to complain, but of the pre-occupation of British Harbours and Creeks, in North America, by the Fishing Vessels of The United States, and the forcible exclusion of British Vessels from places where the fishery might be most advantageously conducted. They had, likewise, reason to complain of the clandestine introduction of prohibited goods into the British Colonies, by American Vessels, ostensibly engaged in the Fishing Trade, to the great injury of the British Revenue.

The Undersigned has felt it incumbent on him thus generally to notice these obstructions, in the hope that the attention of the Government of The United States will be directed to the subject; and that they may be induced amicably and cordially to co-operate with His Majesty's Government in devising such regulations as shall prevent the recurrence of similar inconveniences.

His Majesty's Government are willing to enter into Negotiation with the Government of The United States for the modified renewal of the liberties in question; and they doubt not that an arrangement may be made, satisfactory to both Countries, and tending to confirm the amity now so happily subsisting between them.

The Undersigned avails himself, &c.

J. Q. Adams, Esq.

BATHURST.

No. 11.—Mr. Adams to Mr. Monroe.

(Extract.)

London, 22d January, 1816.

I HAVE the honour to enclose my Reply to Lord Bathurst's Note concerning the Fisheries. It has been delayed by an illness, which, for several weeks, disabled me from writing.

The Hon. James Monroe.

JOHN QUINCY ADAMS.

(Enclosure.)—Mr. Adams to Viscount Castlereagh.

13, Craven Street, 22d January, 1816.

THE Undersigned, Envoy Extraordinary and Minister Plenipotentiary from the United States of America, has received, and communicated to the Government of The United States, the Answer of Lord Bathurst to a Letter, which he had the honour of addressing to his Lordship on the 25th of September last, representing the grounds upon which the American Government considers the People of The United States entitled to all rights and the liberties in, and connected with, the Fisheries on the Coasts of North America, which had been enjoyed by them previously to the American Revolution, and which, by the III^d Article of the Treaty of Peace of 1783, were recognised by Great Bri-

tain as rights and liberties belonging to them. The Reply to Lord Bathurst's Note has been delayed by circumstances which it is unnecessary to detail. It is for the Government of The United States alone to decide upon the proposal of a Negotiation upon the subject. That they will at all times be ready to agree upon arrangements which may obviate and prevent the recurrence of those inconveniences stated to have resulted from the exercise, by the People of The United States, of these rights and liberties, is not to be doubted; but, as Lord Bathurst appears to have understood some of the observations in the Letter of the Undersigned as importing inferences not intended by him, and as some of his Lordship's remarks particularly require a reply, it is presumed that, since Lord Castlereagh's return, it will with propriety be addressed to him.

It had been stated in the Letter to Lord Bathurst, that the Treaty of Peace of 1783, between Great Britain and The United States, was of a peculiar nature; and bore in that nature a character of permanency, not subject, like many of the ordinary contracts between independent Nations, to abrogation by a subsequent War between the same Parties. His Lordship not only considers this as a position of a novel nature, to which Great Britain cannot accede, but as claiming for the diplomatic relations of The United States with her, a different degree of permanency from that on which her connexions with all other States depend. He denies the right of *any one State* to assign to a Treaty made with her such a peculiarity of character as to make it, in duration, an exception to all other Treaties, in order to found, on a peculiarity thus assumed, an irrevocable title to all indulgences which (he alleges) have all the features of temporary concessions. And he adds, in unqualified terms, that Great Britain "*knows of no exception* to the rule that all Treaties are *put an end to*, by a subsequent War between the same Parties."

The Undersigned explicitly disavows every pretence of claiming for the diplomatic relations between The United States and Great Britain, a degree of permanency different from that of the same relations between either of the Parties, and all other Powers. He disclaims all pretence of assigning to any Treaty between the 2 Nations any peculiarity not founded in the nature of the Treaty itself. But he submits it to the candour of His Majesty's Government whether the Treaty of 1783 was not, from the very nature of its subject matter, and from the relations previously existing between the Parties to it, peculiar? Whether it was a Treaty which could have been made between Great Britain and any other Nation? and, if not, whether the whole scope and objects of its Stipulations were not expressly intended to constitute a new and *permanent* state of diplomatic relations between the 2 Countries, which would not, and could not, be annulled by the mere fact of a subsequent War between them? And he makes this

appeal with the more confidence, because another part of Lord Bathurst's Note admits that Treaties often contain recognitions and acknowledgments in nature of perpetual obligation, and because it implicitly admits that the whole Treaty of 1783 is of this character, with the exception of the Article concerning the Navigation of the Mississippi, and a small part of the Article concerning the Fisheries.

The position that "Great Britain *knows no exception* to the rule that all Treaties are *put an end to*, by a subsequent War between the same Parties," appears, to the Undersigned, not only novel, but unwarranted by any of the received Authorities upon the Laws of Nations; unsanctioned by the practice and usages of Sovereign States; suited, in its tendency, to multiply the incitements to War, and to weaken the ties of Peace between independent Nations; and not easily reconciled with the admission, that Treaties not unusually contain, together with Articles of a temporary character liable to revocation, recognitions and acknowledgments *in nature of perpetual obligation*.

A recognition or acknowledgment of title, stipulated by Convention, is as much a part of the Treaty as any other Article; and if all Treaties are abrogated by War, the recognitions and acknowledgments contained in them must, necessarily, be null and void as much as any other part of the Treaty.

If there be no exception to the rule that War puts an end to all Treaties between the Parties to it, what can be the purpose or meaning of those Articles which, in almost all Treaties of Commerce, are provided expressly for the contingency of War, and which, during the Peace, are without operation? On this point, the Undersigned would refer Lord Castlereagh to the Xth Article of the Treaty of 1794, between The United States and Great Britain, where it is thus stipulated: "Neither the debts due from individuals of the one Nation to the individuals of the other, nor shares, nor moneys, which they may have in the Public Funds, or in the Public or Private Banks, *shall ever, in any event of War*, or national differences, be sequestered or confiscated." If War puts an end to all Treaties, what could the Parties to this engagement intend by making it formally an Article of the Treaty? According to the principle laid down, excluding all exception, by Lord Bathurst's Note, the moment a War broke out between the 2 Countries, this stipulation became a dead letter, and either State might have sequestered or confiscated those specified properties, without any violation of compact between the Nations.

The Undersigned believes that there are many exceptions to the rule by which the Treaties between Nations are mutually considered as terminated by the intervention of a War. That these exceptions extend, to all engagements contracted with the understanding that they are to operate equally in War and Peace, or exclusively during War; to all engagements by which the Parties superadd the sanction of a

formal compact to principles dictated by the eternal laws of morality and humanity ; and, finally, to all engagements which, according to the expressions of Lord Bathurst's Note, are *in the nature of perpetual obligation*. To the first and second of these classes may be referred the Xth Article of the Treaty of 1794, and all Treaties or Articles of Treaties stipulating the abolition of the Slave-trade. The Treaty of Peace of 1783 belongs to the third.

The reasoning of Lord Bathurst's Note, seems to confine this perpetuity of obligation to *recognitions* and acknowledgments of title ; and to consider its perpetual nature as resulting from the subject-matter of the Contract, and not from the engagement of the Contractor. While Great Britain leaves The United States unmolested in the enjoyment of all the advantages, rights, and liberties, stipulated in their behalf in the Treaty of 1783, it is immaterial to them, whether she founds her conduct upon the mere fact that The United States are in possession of such rights, or whether she is governed by good faith and respect for her own engagements. But if she contests any one of them, it is to her engagements only that The United States can appeal, as the rule for settling the question of right. If this appeal be rejected, it ceases to be a discussion of right ; and this observation applies as strongly to the recognition of Independence, and to the Boundary Line, in the Treaty of 1783, as to the Fisheries. It is truly observed, by Lord Bathurst, that, in that Treaty, the Independence of The United States was not granted but acknowledged. He adds, that it might have been acknowledged without any Treaty, and that the acknowledgment, in whatever mode made, would have been irrevocable. But the Independence of The United States was precisely the question upon which a previous War between them and Great Britain had been waged. Other Nations might acknowledge their Independence, without a Treaty, because they had no right or claim of right to contest it ; but this acknowledgment, to be binding upon Great Britain, could have been made only by Treaty, because it included the dissolution of one social compact between the Parties, as well as the formation of another. Peace could exist between the 2 Nations only by the mutual pledge of faith to the new social relations established between them, and hence it was that the stipulations of that Treaty were in the nature of perpetual obligation, and not liable to be forfeited by a subsequent War, or by any declaration of the will of either Party, without the assent of the other.

In this view, it certainly was supposed by the Undersigned that Great Britain considered her *obligation* to hold and treat with The United States as a Sovereign and Independent Power, as derived *only* from the Preliminary Articles of 1782, as converted into the Definitive Treaty of 1783. The Boundary Line could obviously rest upon no other foundation. The Boundaries were neither recognitions nor ac-

knowledgments of title. They could have been fixed and settled only by Treaty, and it is to the Treaty alone that both Parties have always referred in all discussions concerning them. Lord Bathurst's Note denies that there is, in any one of the Articles of the Treaty of Ghent, any express or implied reference to the Treaty of 1783, as still in force. It says that, by the stipulation for a mutual restoration of Territory, each Party necessarily "reverted to their Boundaries as before the War, without reference to the title by which their Possessions were acquired, or to the mode in which their Boundaries had been previously fixed."

There are 4 several Articles of the Treaty of Ghent, in every one of which the Treaty of 1783 is not only named, but its stipulations form the basis of the new engagements between the Parties, for carrying its provisions into execution. These Articles are the IVth, Vth, VIth, and VIIth. The Undersigned refers particularly to the IVth Article, where the Boundaries described are not adverted to without reference to the title by which they were acquired, but where the *stipulation* of the Treaty of 1783 is expressly assigned as the basis of the Claims, both of The United States and of Great Britain, to the Islands mentioned in the Article.

The words with which the Article begins are, "*Whereas it was stipulated by the II^d Article in the Treaty of Peace, of 1783, between His Britannic Majesty and the United States of America, that the Boundary of The United States should comprehend all Islands,*" &c.

It proceeds to describe the Boundaries as there stipulated: then alleges the claim of The United States to certain Islands, as founded upon one part of the Stipulation, and the claim of Great Britain as derived from another part of the Stipulation; and agrees upon the appointment of 2 Commissioners, "to decide to which of the 2 Contracting Parties the Islands belong, *in conformity with the true intent of the said Treaty of Peace of 1783.*" The same expressions are repeated in the Vth, VIth, and VIIth Articles, and the Undersigned is unable to conceive by what construction of language one of the Parties to those Articles can allege, that, at the time when they were signed, the Treaty of 1783 was, or could be considered at an end.

When, in the Letter of the Undersigned to Lord Bathurst, the Treaty of 1783 was stated to be a compact of a peculiar character, importing in its own nature a permanence, not liable to be annulled by the fact of a subsequent War between the Parties, the recognition of the sovereignty of The United States, and the Boundary Line, were adduced as illustrations to support the principle;—the language of the above-mentioned Articles in the Treaty of Ghent, and the Claim brought forward by Great Britain at the negotiation of it, for the free navigation of the Mississippi, were alleged as proofs that Great Britain herself so considered it, excepting with regard to a small part of the single Article

relative to the Fisheries, and the right of Great Britain was denied, thus to select one particular stipulation in such a Treaty, and declare it to have been abrogated by the War. The Answer of Lord Bathurst denies that Great Britain has made such a selection, and affirms that the whole Treaty of 1783 was annulled by the late War. It admits, however, that the recognition of Independence, and the Boundaries, were in the nature of perpetual obligation; and that, with the single exception of the liberties in and connected with the fisheries, within British Jurisdiction, on the Coasts of North America, The United States are entitled to all the benefits of all the stipulations in their favour, contained in the Treaty of 1783, although the stipulations themselves are supposed to be annulled. The fishing liberties, within British Jurisdiction alone, are considered as a temporary grant, liable not only to abrogation by War, but, as it would seem from the tenour of the argument, revocable at the pleasure of Great Britain, whenever she might consider the revocation suitable to her interest. The Note affirms, that "the liberty to fish within British limits, or to use British Territory, is essentially different from the right to independence, in all that can reasonably be supposed to regard its intended duration. That the grant of this liberty has all the aspect of a policy, *temporary and experimental*, depending on the use that might be made of it, on the condition of the Islands and places where it was to be exercised, and the more general conveniences, or inconveniences, in a military, naval, or commercial, point of view, resulting from the access of an independent Nation to such Islands and places."

The Undersigned is induced, on this occasion, to repeat his Lordship's own words, because, on a careful and deliberate review of the Article in question, he is unable to discover in it a single expression indicating, even in the most distant manner, a policy, temporary or experimental, or having the remotest connection with military, naval, or commercial, conveniences or inconveniences to Great Britain. He has not been inattentive to the variation in the terms by which the enjoyment of the fisheries on the main ocean, the common possession of both Nations, and the same enjoyment within a small portion of the special Jurisdiction of Great Britain, are stipulated in the Article, and recognized as belonging to the People of The United States. He considers the term *right*, as importing an advantage to be enjoyed in a place of common Jurisdiction, and the term *liberty*, as referring to the same advantage, incidentally leading to the borders of a special Jurisdiction. But evidently neither of them imports any limitation of time. Both were expressions no less familiar to the understandings than dear to the hearts of both the Nations, Parties to the Treaty. The Undersigned is persuaded it will be readily admitted, that wherever the English Language is the mother tongue, the term *liberty*, far from including, in itself, either limitation of time, or precariousness of tenure, is

essentially as permanent as that of *right*, and can, with justice, be understood only as a modification of the same thing. And as no limitation of time is implied in the term itself, so there is none expressed in any part of the Article to which it belongs. The restriction at the close of the Article is itself a confirmation of the permanency, which the Undersigned contends belongs to every part of the Article. The intention was, that the people of The United States should continue to enjoy all the benefits of the Fisheries which they had enjoyed theretofore, and, with the exception of drying and curing fish on the Island of Newfoundland, all that *British* Subjects should enjoy thereafter; among them was the liberty of drying and curing fish on the shores then uninhabited, adjoining certain bays, harbours, and creeks. But when those shores should become settled, and thereby become private and individual property, it was obvious that the liberty of drying and curing fish upon them must be conciliated with the proprietary rights of the owners of the soil. The same restriction would apply to British fishermen; and it was precisely because no grant of a new right was intended, but merely the continuance of what had been previously enjoyed, that the restriction must have been assented to on the part of The United States. But, upon the common and equitable rule of construction for Treaties, the expression of one restriction implies the exclusion of all others not expressed; and thus the very limitation which looks forward to the time when the unsettled deserts should become inhabited, to modify the enjoyment of the same liberty, conformably to the change of circumstances, corroborates the conclusion that the whole purport of the compact was permanent and not temporary—not experimental, but definitive.

That the term *right* was used as applicable to what The United States were to enjoy, in virtue of a recognized Independence, and the word *liberty*, to what they were to enjoy, as *concessions* strictly dependent on the Treaty itself, the Undersigned not only cannot admit, but considers as a construction altogether unfounded. If The United States would have been entitled, *in virtue of a recognized Independence*, to enjoy the Fisheries to which the word *right* is applied, no Article upon the subject would have been required in the Treaty. Whatever their right might have been, Great Britain would not have felt herself bound, without a specific Article to that effect, to acknowledge it as included among the appendages to their Independence. Had she not acknowledged it, The United States must have been reduced to the alternative of resigning it, or of maintaining it by force; the result of which must have been *War*, the very state from which the Treaty was to redeem the Parties. That Great Britain would not have acknowledged these rights, as belonging to The United States in virtue of their independence, is evident: for in the cession of Nova Scotia by France to Great Britain, in the XIIth Article of the Treaty

of Utrecht, it was expressly stipulated that, as a consequence of that cession, French Subjects should be thenceforth "excluded from all kind of fishing in the said seas, bays, and other places, on the Coasts of Nova Scotia, that is to say, on those which lie towards the east, within 30 leagues, beginning from the Island commonly called Sable, inclusively; and thence stretching along towards the south-west." The same exclusion was repeated with some slight variation in the Treaty of Peace of 1763; and in the XVIIIth Article of the same Treaty, Spain explicitly renounced all pretension to the right of fishing "in the neighbourhood of the Island of Newfoundland." It was not, therefore, as a necessary result of their Independence, that Great Britain recognized the *right* of the People of The United States to fish on the Banks of Newfoundland, in the "Gulf of St. Lawrence," and at all other places in the sea where "the Inhabitants of both Countries used, at any time theretofore, to fish." She recognized it by a special stipulation, as a right which they had theretofore enjoyed, as a part of the British Nation, and which, as an independent Nation, they were to continue to enjoy *unmolested*. And it is well known that, so far from considering it as recognized, by virtue of her acknowledgment of Independence, her objections to admitting it at all formed one of the most prominent difficulties in the Negotiation of the Peace of 1783. It was not asserted by the Undersigned, as Lord Bathurst's Note appears to suppose, that either the right or the liberty of the People of The United States in these Fisheries were *indefeasible*. It was maintained that, after the recognition of them by Great Britain in the Treaty of 1783, neither the right nor the liberty could be forfeited by The United States, but by their own consent: that no Act or Declaration of Great Britain alone could divest The United States of them, and that no exclusion of them from the enjoyment of either could be valid unless expressly stipulated by themselves, as was done by France in the Treaty of Utrecht, and by France and Spain in 1763.

The Undersigned is apprehensive, from the earnestness with which Lord Bathurst's Note argues to refute inferences which he disclaims, from the principles asserted in his Letter to his Lordship, that he has not expressed his meaning in terms sufficiently clear. He affirmed, that, previous to the Independence of The United States, their People, as British Subjects, had enjoyed all the rights and liberties in the Fisheries, which form the subject of the present discussion; and that, when the separation of the two parts of the Nation was consummated, by a mutual compact, the Treaty of Peace defined the rights and liberties which, by the stipulation of both Parties, The United States, in their new character, were to enjoy. By the acknowledgment of the Independence of The United States, Great Britain bound herself to treat them, thenceforward, as a Nation possessed of all the prerogatives and attributes of sovereign power. The People of The United

States were, thenceforward, neither bound in allegiance to the Sovereign of Great Britain, nor entitled to his protection, in the enjoyment of any of their rights, as his Subjects. Their rights and their duties, as Members of a State, were defined and regulated by their own Constitutions and forms of Government. But there were certain rights and liberties which had been enjoyed by both parts of the Nation, while Subjects of the same Sovereign, which it was mutually agreed they should continue to enjoy *unmolested*; and among them were the rights and liberties in these Fisheries. The Fisheries on the banks of Newfoundland, as well in the open seas as in the neighbouring bays, gulfs, and along the coasts of Nova Scotia and Labrador, were by the dispensations and the laws of nature, in substance, only different parts of one Fishery. Those of the open sea were enjoyed, not as a common and universal right of all Nations; since the exclusion from them of France and Spain, in whole, or in part, had been expressly stipulated by those Nations, and no other Nation had in fact participated in them. It was, with some exceptions, an exclusive possession of the British Nation, and in the Treaty of Separation, it was agreed that the rights and liberties in them should continue to be enjoyed by that part of the Nation which constituted The United States—that it should not be a several, but, as between Great Britain and The United States, a common, Fishery. It was necessary, for the enjoyment of this Fishery, to exercise it, in conformity to the habits of the species of game of which it consisted. The places frequented by the fish, were those to which the fishermen were obliged to resort, and these, occasionally, brought them to the borders of the British Territorial Jurisdiction. It was also necessary for the prosecution of a part of this Fishery, that the fish, when caught, should be immediately cured and dried, which could only be done on the rocks or shores adjoining the places where they were caught; the access to these rocks and shores for those purposes, was secured to the People of The United States as incidental and necessary to the enjoyment of the Fishery; it was little more than an access to naked rocks and desolate sands; but it was as permanently secured as the right to the Fishery itself. No limitation was assigned of time. Provision was made for the proprietary rights which might, at a distant and future period, arise, by the settlement of places then uninhabited; but no other limitation was expressed or indicated by the terms of the Treaty, and no other can, either from the letter or spirit of the Article, be inferred.

Far, then, from claiming the general rights and privileges belonging to British Subjects within the British Dominions, as resulting from the Treaty of Peace of 1783, while, at the same time, asserting their exemption from the duties of a British allegiance, the Article in question is itself a proof that the People of The United States have renounced all such claims. Could they have pretended generally to the

privileges of British Subjects, such an Article as that relating to the Fisheries would have been absurd. There was in the Treaty of 1783 no express renunciation of their rights to the protection of a British Sovereign. This renunciation they had made by their Declaration of Independence on the 4th of July, 1776; and it was implied in their acceptance of the counter renunciation of Sovereignty in the Treaty of 1783. It was precisely because they might have lost their portion of this joint national property, to the acquisition of which they had contributed more than their share, unless a formal Article of the Treaty should secure it to them, that the Article was introduced. By the British Municipal Laws, which were the Laws of both Nations, the property of a Fishery is not necessarily in the Proprietor of the soil where it is situated. The soil may belong to one Individual and the Fishery to another. The right to the soil may be exclusive, while the Fishery may be free or held in common. And thus, while in the partition of the National Possessions in North America, stipulated by the Treaty of 1783, the jurisdiction over the shores washed by the waters where this Fishery was placed, was reserved to Great Britain, the Fisheries themselves and the accommodations essential to their prosecution, were, by mutual compact, agreed to be continued in common.

In submitting these reflections to the consideration of His Majesty's Government, the Undersigned is duly sensible to the amicable and conciliatory sentiments and dispositions towards The United States, manifested at the conclusion of Lord Bathurst's Note, which will be met by reciprocal and corresponding sentiments and dispositions, on the part of the American Government. It will be highly satisfactory to them to be assured that the conduciveness of the object to the national and individual prosperity of the Inhabitants of The United States, operates with His Majesty's Government as a forcible motive to concession. Undoubtedly, the participation in the liberties of which their right is now maintained, is far more important to the interests of the People of The United States, than the exclusive enjoyment of them can be to the interests of Great Britain. The real, general, and ultimate interests, of both the Nations on this object, he is fully convinced, are the same. The collision of particular interests, which heretofore may have produced altercations between the Fishermen of the 2 Nations, and the clandestine introduction of prohibited goods by means of American Fishing Vessels, may be obviated by arrangements duly concerted between the 2 Governments. That of The United States, he is persuaded, will readily co-operate in any measure to secure those ends, compatible with the enjoyment, by the People of The United States, of the liberties to which they consider their title as unimpaired, inasmuch as it has never been renounced by themselves.

The Undersigned, &c.

Viscount Castlereagh.

JOHN QUINCY ADAMS.

No. 12.—*Mr. Adams to Mr. Monroe.*

(Extract.)

London, 31st January, 1816.

In my interview with Lord Castlereagh on the 25th instant we had much conversation, as well upon the topics which have formed the subjects of discussion with this Government, during his absence, as upon those concerning which I have recently been honoured with your Instructions. As propositions for a formal Negotiation had been made on both sides, I thought it necessary to ascertain whether this Government would consider the Full Power under which I had acted, jointly with my late Colleagues, as yet sufficient for concluding with me any further conventional arrangements. At the time when we signed the Commercial Convention of 3rd July last, we had given notice that the objects upon which we had been instructed to treat under that Full Power, were much more extensive than those upon which we found it then practicable to come to an agreement; but, as the British Plenipotentiaries informed us that their Powers would terminate on the conclusion of that Convention, I told them that I should make no further propositions, unless by virtue of subsequent Instructions from my own Government, and, in that case, should address them in the ordinary channel of the Foreign Department. I now inquired of Lord Castlereagh whether this Government were disposed now to enter upon a further Negotiation, and if they were, whether they would expect me to produce a new Full Power. With regard to the latter point, Lord Castlereagh said, that if I should declare that the Government of The United States still considered the joint Power, under which I had treated heretofore, as in force, to authorize me to treat separately, and that the proposals which I should make were by the Instructions of my Government, he thought it would not be necessary for me to produce a new Power. As this answer is not perfectly explicit, and as it requires of me a declaration of what I must rather infer than positively know, I would request, as the safest course, that a new Full Power may be transmitted to me.

Lord Castlereagh inquired what were the subjects upon which we should be desirous of treating. I mentioned as the first and most important, that which relates to *Seamen*, observing the great anxiety which was felt in The United States on this subject; the principal source of the late contest between the 2 Countries; and that from which the greatest danger of future dissensions was to be apprehended, unless some provision should be made during the Peace, to prevent the recurrence of the same evils, whensoever a new War may take place.

I noticed the new recommendation, in the President's Message to Congress, of a Law for confining the Navigation of American Vessels to American Seamen, and the solicitude manifested by the President, that it may lead to the total discontinuance of the practice of impressment in our Vessels. Lord Castlereagh expressed his satis-

faction at what he termed this change of policy on the part of The United States; but far from appearing to think it a motive for Great Britain to stipulate by Treaty, to forbear the practice of impressment, he intimated the opinion, that this measure of The United States, if fairly adopted, and properly carried into execution, would rather make any arrangement between the 2 Nations unnecessary. He said, that its consequences must be, that there would be no British Seamen on board of American vessels *to take*; and if so, that the practice of taking them would cease *of course*. He remarked, that, as the inconvenience did not exist during Peace, it might be doubted whether it was the most seasonable time for a discussion upon which there was such a different and opposite view, in point of principle, entertained by the 2 Governments. And although I urged, that the time of Peace, when there was no immediate interest of either party at stake, and when the feelings on both sides would be cool and composed, might be peculiarly adapted to a mutual effort for closing this fruitful source of dissensions, he was not inclined to that opinion. He intimated, that there was still in England a very strong and highly irritable feeling on this subject; that the Government *could not* incur the responsibility of concession in relation to it; that it would be expedient to wait until the new policy of The United States, for encouraging their own Native Seamen should be fully developed, and, by its consequences, have proved, that Great Britain would not need impressment to preserve herself from the loss of her own Seamen. He added, nevertheless, that the British Government would always be ready to hear proposals on this subject, and to adopt arrangements which might guard against abuses in the exercise of their rights.

I shall give you in my next, the sequel of this Conference, the result of which has confirmed all the opinions, with regard to the policy of this Government, which I gave you in my last Despatch. There appears to me no prospect that, under the present Ministry, any conventional arrangement for renouncing the practice of impressment will be attainable; and you will observe the new argument which Lord Castlereagh derives *against* such a stipulation, from the measures recommended by the President for excluding Foreign Seamen from our service. There is no immediate prospect of any maritime War; nor, indeed, any remote discernible prospect of such a War, with The United States neutral to it. As the occurrence, however, is not impossible; and as the outrage of that practice can never be tolerated by a Nation of the strength and resources to which The United States are rising, it cannot too forcibly be urged upon their conviction, that the only means of protecting their seafaring Citizens in the enjoyment of their rights will consist in the *energy* with which they shall be asserted.

The Hon. James Monroe.

JOHN QUINCY ADAMS.

No. 13.—Mr. Adams to Mr. Monroe.

(Extract.)

London, 8th February, 1816.

IN adverting to the subject of the Slaves, I reminded him, (Lord Castlereagh) that there were 3 distinct points relating to them, which had been under discussion between the 2 Governments. The 1st, regarding the Slaves carried away by the British Commanders from The United States, contrary, as the American Government holds, to the express stipulation of the Treaty of Ghent. After referring to the Correspondence which has taken place on this topic at Washington and here, I observed, that the last Note concerning it, which I had received from Lord Bathurst, seemed to intimate, that this Government had taken its final determination on the matter; that I hoped it was not so; I hoped they would give it further consideration; it had been the cause of so much anxiety to my Government; it was urged so constantly, and so earnestly in my Instructions; the language of the Treaty appeared to us so clear and unequivocal; the violation of it, in carrying away the Slaves so manifest, and the losses of property occasioned by it to our Citizens were so considerable and so serious, that I could not abandon the hope, that further consideration would be given to it here; and ultimately, that satisfaction would be made to The United States on this cause of complaint. Lord Castlereagh said, that he had not seen the Correspondence to which I referred; but that he would have it looked up and examine it.

In relation to the Fisheries, little was said. He told me, that he had, the evening before, read my Note to him concerning them; that the British Government would adhere to their principle respecting the Treaty, and to the exclusive rights of their territorial jurisdiction: but, that they had no wish to prevent us from fishing, and would readily enter into a Negotiation for an arrangement on this subject.

The Hon. James Monroe.

JOHN QUINCY ADAMS.

No. 14.—Mr. Adams to Mr. Monroe.

(Extract.)

London, 17th February, 1816.

THE Note respecting the Slaves carried away, is a Reply to that which I received from Earl Bathurst in October last; as an Answer to your Letter to Mr. Baker, and to my Letters of 9th August, and of 5th September last, to Lord Castlereagh. A Copy of Lord Bathurst's Note was transmitted to you immediately after it was received.

I found, upon the conversation with Lord Castlereagh, that he had seen none of the Papers which had passed on this Question during his absence in France; and this circumstance has afforded a proper occasion for urging the discussion again.

The Hon. James Monroe.

JOHN QUINCY ADAMS.

(*Enclosure.*)—*Mr. Adams to Viscount Castlereagh.*

13, *Craven Street*, 17th February, 1816.

THE Undersigned, Envoy Extraordinary and Minister Plenipotentiary from the United States of America, requests the attention of Lord Castlereagh to the Letters which he had the honour of addressing to his Lordship on the 9th of August and 5th of September last, in relation to the Slaves belonging to Citizens of The United States, carried away by the Naval Commanders of the British Forces, from places within The United States, subsequently to the Peace between the 2 Countries, and in violation of the engagement in Article I. of the Treaty of Ghent.

In pressing this subject once more upon the consideration of His Majesty's Government, the Undersigned deems it necessary to state the terms of the stipulation in the Treaty, and the facts, in breach of it, constituting the injury for which he is instructed to ask redress from the justice and good faith of the British Government.

The Stipulation of the Treaty is as follows :

“ All Territory, Places, and Possessions, whatsoever, taken by either Party from the other during the War, or which may be taken after the signing of this Treaty, excepting only the Islands hereinafter mentioned, shall be restored without delay, and without causing any destruction, or carrying away any of the artillery or other public property, originally captured in the said Forts or places, and which shall remain therein upon the exchange of the Ratifications of this Treaty, or any Slaves or other private property.”

The facts, in violation of this Stipulation, are, that, in evacuating sundry places within The United States, which had been taken by the British Forces during the War, the British Naval Commanders did carry away great numbers of Slaves belonging to Citizens of The United States. In his Letter of the 5th of September, the Undersigned had the honour of enclosing a List of 702 Slaves, carried away after the Ratification of the Treaty of Peace, from Cumberland Island, and the waters adjacent, in the State of Georgia, by the Forces under the command of Rear-Admiral Cockburn, with the names of the Slaves, and those of their Owners, Citizens of The United States. A number, perhaps, still greater, was carried away from Tangier Island, in the State of Virginia, and from other Places; Lists of whom, and of their Proprietors, the Undersigned expects to be enabled in like manner to produce. The only foundation which those Naval Commanders have alleged for this procedure, was a construction of the paragraph containing this Stipulation, so contrary to its grammatical sense and obvious purport, that the Undersigned is well assured, if the same phrase had occurred in any Municipal Contract between Individuals, no judicial Tribunal in this Kingdom would entertain, for a moment, a question upon it; a construction, under which the whole operation of

the words "Slaves or other private property," was annihilated, by extending to them the limitation confined, by the words of the Treaty, to artillery and public property.

In addition to the unequivocal import of the words, the Undersigned, in his Letter of the 9th of August, adduced the manner in which the Article had been drawn up, discussed, and finally agreed upon, at the Negotiation of the Treaty, to prove that the intention of the Parties had been conformable to the plain letter of the Article. It was intimated, in the Answer to his 2 Letters, which he had the honour of receiving from Earl Bathurst, that some inconvenience might result, if the Parties upon whom Treaties are binding were to recur to the intentions of the Negotiators of such Treaty, instead of taking, as their guide, the context of the Treaty itself, on any point of controversy respecting it. In reply to which, the Undersigned observes, that his Letter did not recur to the intentions of the Negotiators, but to the intentions of the *Parties* to the Treaty, as manifested in the process of drawing up and agreeing to the Article; and not even to them, *instead* of the context of the Treaty itself, but to support and maintain the context of the Treaty, against what he deemed a misconstruction, equally at variance with the rules of grammar and the intentions of the Parties.

It is observed, in Lord Bathurst's Answer, that, in this instance, the Article, as it stands, was agreed to by "a verbal amendment suggested by the American Plenipotentiaries to the original Article proposed by the British Commissioners." Far otherwise. The original Article was proposed by the American, and not by the British, Plenipotentiaries. The original Article proposed, that, in evacuating the Places to be restored, no property, public or private, artillery or Slaves, should be carried away. An alteration was proposed by the British Plenipotentiaries, and its object was to limit the property to be restored with the Places, to such as had been originally captured in the Places, and should be remaining there at the time of the exchange of the Ratifications. The reason alleged for this alteration, applied only to public property. It might be impracticable to restore property which, though originally captured in the Place, might have been removed from it before the exchange of the Ratifications; but private property not having been subject to legitimate capture with the Place, was not liable to the reason of the limitation; to which the American Plenipotentiaries, therefore, assented only so far as related to artillery and public property. They did not assent to it, as related to Slaves and other private property. It was not a mere verbal alteration which they proposed; they adhered, in relation to Slaves and other private property, to their original Draft of the Article, while they consented to the proposed alteration, with regard to artillery and public property.

[1819—20.]

To this qualified acceptance, the British Plenipotentiaries agreed; nor need the Undersigned remind Lord Castlereagh that the British Commissioners did not sign the Treaty of Ghent, until this Article, as finally agreed to, and every other important part of the Treaty, had been submitted to the British Government itself, and received their sanction and approbation.

If Lord Bathurst had taken this, which is presented as the true view of the circumstances under which the Article in question was drawn up and adopted, the Undersigned is persuaded that he would have been spared the necessity of adverting to the following passage of his Lordship's Answer, in which the Undersigned trusts that some error of a Copyist has left its meaning imperfectly expressed.

"It is certainly possible that one Party may propose an alteration, with a mental reservation of some construction of his own, and that he may assent to it, on a firm persuasion that the construction continues to be the same, and that, therefore, he may conciliate and yet concede nothing by giving his assent."

The only sense which the Undersigned can discover in this sentence, as it stands, is, that a Party may conciliate and yet concede nothing, by assenting to an alteration insidiously proposed by himself. Impossible as it is that such should have been Lord Bathurst's real meaning, the Undersigned is equally unwilling to believe that his Lordship intended to insinuate that, in the case of the Stipulation now in question, an alteration was, on the part of The United States, proposed, with a mental reservation of a construction not then avowed, which was assented to by Great Britain, with the firm persuasion that, under the alteration, the construction would remain the same. The Undersigned must be allowed to say, that there was nothing in the transaction referred to which could justify such an insinuation; that the Article, as originally drawn by the American Plenipotentiaries, and presented to the British Government, was plain and clear; that it admitted of no other construction than that for which the American Government now contends; that it avowedly and openly contained a Stipulation that, in the evacuation of all the Territories, Places, and Possessions, to be restored, *no Slaves should be carried away*; that an alteration was proposed by the British Plenipotentiaries, which was accepted only in part; that, in this partial acceptance, the British Government acquiesced, the Undersigned will certainly not say with a mental reservation to make up, by a subsequent construction of their own, for the part to which The United States did not assent; but he does deem it his duty to say, that, when Great Britain proposed an alteration to that, of the meaning of which there could be no doubt, and when the alteration was accepted conditionally, and under a modification to which she agreed, she was bound to perceive that the modification,

thus insisted upon by the other Party, was not a mere verbal change in the phraseology of her proposal, but, so far as it extended, a substantial adherence to the original Draft of the Article.

It is further urged, in Lord Bathurst's Answer, that the construction contended for by the American Government, is inconsistent with another Article of the Treaty ; for that it would require the restoration of all Merchant Vessels and their effects, captured on the high seas, even if they should not be within the limits of the United States, at the time of the exchange of the Ratifications. The Undersigned is not aware how such an inference can be drawn from any thing that has passed between the 2 Governments on the subject. Merchant Vessels and effects, captured on the high seas, are, by the Laws of War, between civilized Nations, lawful prize, and by the capture become the property of the Captors. It was never asserted by the American Government that the Stipulation in question could mean, that, in evacuating the Places taken within the Territorial jurisdiction of either Party, the other should be precluded from carrying away his own property. But as, by the same usages of civilized Nations, private property is not the subject of lawful capture in War upon the land, it is perfectly clear that, in every Stipulation that private property shall be respected, or that, upon the restoration of Places taken during the War, it shall not be carried away, the meaning of the expressions is defined by the subject matter to which they relate, and extends only to the property of the Party from whom the Place was taken, or of Persons under his allegiance. But, in the present case, it will not be pretended, that the Slaves, whose removal is complained of as a breach of the compact, were the property, either of His Majesty, of the Naval Officers in His Service, who carried them away, or of any of his Subjects. They were the property of Citizens of The United States ; precisely the species of property which it was expressly stipulated should not be carried away ; and far from setting up now, as is suggested in Lord Bathurst's Note, a construction not thought of when the Treaty was formed, the American Government do but claim the performance of the Stipulation in the only sense which could be applied to it at that time. That the British Government gave it then any other construction, was not only never communicated to the Government of The United States, but was impossible to be foreseen by them. When Great Britain had solemnly agreed, without hinting an objection to the principle of restoring captured Slaves, it could not be foreseen that the engagement would be narrowed down to nothing, by a strained extension to them of a condition limited, by the words of the Treaty, to another species of property. It was impossible to anticipate a construction of an important Stipulation which should annihilate its operation. It was impossible to anticipate that a Stipulation, not to carry away *any Slaves*, would, by the British Government, be considered as

faithfully executed by British Officers, in carrying away *all the Slaves* in their possession.

The Undersigned concludes with the earnest hope, that His Majesty's Government, reviewing the subject in the spirit of candour and of justice, will accede to the proposal which he has been instructed to offer, and make provision to indemnify the Owners of the Slaves, which were carried away in contravention to the engagement of the Treaty.

He is happy to avail himself of the occasion, &c.

Viscount Castlereagh.

JOHN QUINCY ADAMS.

No. 15.—Mr. Monroe to Mr. Adams.

SIR, *Department of State, Washington, 27th February, 1816.*

IT being represented, by your Letter of the 8th November, that the British Government was disposed to regulate, in concert with The United States, the taking of fish on the coasts, bays, and creeks, of all His Britannic Majesty's Dominions in America, and the curing, and drying of fish, by their Citizens, on the unsettled bays, harbours, and creeks, of Nova Scotia, Magdalen Islands, and Labrador, in such manner as to promote the interest of both Nations, you will consider this Letter an authority and instruction to negotiate a Convention for these purposes.

I have, &c.

Mr. Adams.

JAMES MONROE.

No. 16.—Mr. Monroe to Mr. Adams.

SIR, *Department of State, Washington, 27th February, 1816.*

SINCE my last, of the 10th of December, I have had the honor to receive your Letter of November 21st, with those of the 12th, 19th, 26th, and 30th of September, the 7th and 31st of October, and 8th of November. With the latter, a Copy of Lord Bathurst's Reply to your Note of September 25th, on the Fisheries, was likewise received.

It appears by these Communications, that, although the British Government denies our right of taking, curing, and drying fish within their jurisdiction, and on the Coast of the British Provinces in North America, it is willing to secure to our Citizens the liberty stipulated by the Treaty of 1783, under such regulations as will secure the benefit to both Parties, and will likewise prevent the smuggling of goods into the British Provinces, by our Vessels engaged in the Fisheries.

It is hoped, that the Reply which you intimate you intended giving to Lord Bathurst's Note, may have produced some change in the sentiments of the British Government on this interesting subject; it is, nevertheless, thought proper to enclose you an Instruction, to be shewn

to the British Government, authorizing you to negotiate a Convention, providing for the objects contemplated.

It is very important that this trust should be executed in a manner not to weaken our right, which, it is presumed, may be done with the concurrence of the British Government, either by the reservation of mutual rights, or making the instrument a remedy for abuses.

As to the manner in which the injuries complained of by the British Government are to be remedied, you will be able, in aid of your own knowledge of the subject, to obtain better information than I can communicate.

The British Project will shew the nature and extent of these injuries, and it will be your object to make the remedy as harmless to our Citizens, and safe to the public rights, as possible.

I have, &c.

Mr. Adams.

JAMES MONROE.

No. 17.—Mr. Monroe to Mr. Adams.

(Extract.) *Department of State, Washington, 24th May, 1816.*

A HOPE is entertained that you will have arranged with the British Government the difference respecting the Fisheries, before this reaches you. Should you not have been able to do it, you will endeavour to comprise it in the general arrangement which you are authorized to make, on the principles stated in my Letter of the 27th of February.

Mr. Adams.

JAMES MONROE.

No. 18.—Mr. Monroe to Mr. Adams.

(Extract.) *Department of State, Washington, 8th July, 1816.*

MR. BAGOT has received a Power to arrange the difference respecting the taking and curing and drying fish on the shores of the British Colonies; but whether it authorizes such an arrangement as will be useful and satisfactory to us, I am as yet uninformed.

Mr. Adams.

JAMES MONROE.

No. 19.—Mr. Monroe to Mr. Adams.

(Extract.) *Department of State, Washington, 13th August, 1816.*

ON the other subject,* Mr. Bagot offered to secure to us the right in question, on the Labrador Shore, between Mount Joli, and the Bay of Esquimaux, near the entrance of the Strait of Belle-Isle. It was necessary for me to seek detailed information of the value of this accommodation, from those possessing it at Marblehead, and elsewhere, which I did; the result of which was, that it would be more

* The Fisheries.

for our advantage to commence at the last mentioned point, and to extend the right, eastward, through the Strait of Belle-Isle, as far along the Labrador Coast as possible. To this he objected, offering then an alternative on the shore of the Island of Newfoundland, to commence at Cape Ray, and extend east, to the Ramea Islands. Of the value of this Coast I am likewise ignorant. The Negotiation must, therefore, be again suspended until I obtain the information requisite to enable me to act in it.

It is probable that the arrangement of these 2 interests will again rest with you. The advantage of it, as you are already authorized to treat on other important subjects, is obvious.

At the commencement of our Conferences, Mr. Bagot informed me of an Order which had been issued by Admiral Griffith to the British Cruisers, to remove our Fishing Vessels from the Coasts of those Provinces, which he would endeavour to have revoked, pending the Negotiation. His attempt succeeded. I shall endeavour to have this revocation extended so as to afford the accommodation desired, until the Negotiation is concluded. All the information which has been, or may be, obtained on this subject, shall be transmitted to you.

Mr. Adams.

JAMES MONROE.

No. 20.—Mr. Adams to Mr. Monroe.

(Extract.)

London, 24th August, 1816.

ON Wednesday last I had an interview with Lord Castlereagh, in which he informed me that this Government declined entering upon any Negotiation, relative to the commercial intercourse between The United States and the British Colonies in the West Indies; that they were averse to any discussion relative to Blockades, and the other conflicting pretensions of Neutral and Belligerent rights; and that they were willing to receive any proposals that we may wish to offer, respecting the intercourse by land, between The United States and the British Continental Colonies, and respecting Seamen; but there was a manifest reluctance to negotiate even upon these points. With regard to the West Indies, he said it was understood by this Government, that The United States would be perfectly free to adopt any countervailing regulations, either of prohibition, or of additional duties, that they might think advisable; that Great Britain would have no right to complain of them; that the determination, in this instance, arose altogether from that of adhering to their Colonial system, of the wisdom of which he spoke as being, in his own mind, not unquestionable, but from which it was not thought expedient now to depart.

The Hon. James Monroe.

JOHN QUINCY ADAMS.

No. 21.—Mr. Adams to Mr. Monroe.

(Extract.)

London, 18th September, 1816.

You will perceive, by all my late Despatches, that there is no prospect of doing any thing here, in the way of Negotiation upon objects of Commerce. I addressed yesterday to Lord Castlereagh a Note, renewing the proposal to negotiate; the object of which is to have the refusal explicitly signified in writing. In my last interview with Lord Castlereagh, he did unequivocally decline negotiation upon the Trade between The United States and the British Colonies in the West Indies, and upon all the questions relating to neutral rights in time of maritime War. He said they were willing to receive any proposition respecting Seamen, and respecting the inland intercourse between The United States and the British Colonies in North America. I told him I should repeat the proposal for treating, in a Note. He expressed a wish that I would not mention in the Note the neutral questions at all. I was somewhat surprised at the objection, but promised him I would give it full consideration before I sent in the Note. I did accordingly take ample time for reflection, and have concluded, that I ought not only to include them in the Note, but to urge with earnestness the reasons which make it peculiarly desirable that the 2 Governments should come to an understanding upon those points before the recurrence of a maritime War.

The Hon. James Monroe.

JOHN QUINCY ADAMS.

No. 22.—Mr. Adams to Mr. Monroe.

(Extract.)

London, 27th September, 1816.

I HAVE the honour of enclosing herewith, a Copy of the Note which I have addressed to Lord Castlereagh, renewing the proposal for the negotiation of a Treaty of Commerce. From the determination of this Government, as communicated to me in my personal interview with him on the 21st of August, it is to be expected that they will decline treating upon the subject of our Trade with the British Colonies in the West Indies, and upon questions relating to Neutral interests during maritime War. They may profess to be willing to receive specific proposals relative to Seamen, and to our inland intercourse with their Colonies in North America; but it is not probable that, upon either of those subjects, they will agree to any thing that can be satisfactory to you—nor shall I think it expedient to conclude any separate arrangement concerning them, excluding the others, without further Instructions to that effect. In the conversations that I have had with Lord Castlereagh, he has given me very distinctly to understand, that, with regard to Seamen, if they should even agree to the proposed Stipulation, of excluding from the respective Naval and Merchant Services the Native Citizens and Subjects of each other, they will not understand it as implying or intending an engage-

ment to renounce the practice of taking men from our Vessels in the event of a future maritime War. In the Instruction hitherto transmitted to me, it is not insisted that such a renunciation should be included in the Article; yet, I cannot but suppose it was expected, that if the Article should be agreed to, it would be with at least a tacit understanding, that the practice of Impressment shall be abandoned.

The Hon. James Monroe.

JOHN QUINCY ADAMS.

(Enclosure.)—Mr. Adams to Viscount Castlereagh.

13, Craven Street, 17th September, 1816.

THE Undersigned, Envoy Extraordinary and Minister Plenipotentiary from the United States of America, has the honor of renewing to Lord Castlereagh the proposal which he has been instructed to make, on the part of the Government of The United States, for the negotiation of a Treaty of Commerce, embracing all the principal objects, most interesting to the friendly and commercial intercourse between the 2 Nations. He has already exhibited to his Lordship the authority with which he has been furnished by the American Government for that purpose, and has fully stated to him the motives which induced this proposal. They are all founded in the anxious desire of the American Government to cultivate the harmony between the 2 Nations, and to concert, by engagements of mutual accommodation, such arrangements of the points from which differences have, unfortunately, arisen heretofore, or which might have a tendency to produce them hereafter, as may be satisfactory to both Parties, guard against future misunderstandings, and promote that amicable temper and disposition which can alone perpetuate the peace and friendship, dictated by the clearest and highest interests, both of Great Britain and of The United States.

It will be recollected by Lord Castlereagh, that the commercial Convention of 3d July, 1815, was not considered, at the time of its conclusion, as the ultimate or definitive arrangement of the commercial relations between the High Contracting Parties. Other objects, besides those upon which the Agreement was completed, were discussed in the course of that Negotiation. Others yet, including all, or most of those upon which Great Britain is now again invited to treat, were presented to the attention of the British Plenipotentiaries, but postponed, in consideration of peculiar circumstances then operating, and which have happily since been done away. In bringing them again to the view of the British Cabinet, the Undersigned has the honor of distinctly specifying the several objects upon which the American Government repeats the proposal to enter into further reciprocal commercial Stipulations, of suggesting the urgent additional motives for desiring them, which have arisen since that period, and of exposing the liberal prin-

ciples upon which they propose that this Supplementary Treaty should be founded.

1. *The Commerce between The United States and the British Colonies in North America, and in the West Indies.*—From the relative geographical position of those Countries; from the nature of their respective productions; and from the wants on either side, which may be most advantageously, if not exclusively supplied by the other; this Commerce is not only of the greatest convenience to both Parties, but, in some respects, and on many occasions, it is of the first necessity to the Colonies. At the time when the Commercial Convention of 3d July, 1815, was negotiated, this Commerce was open to Vessels of The United States. The Ports of the British Colonies in the West Indies are still accessible, under certain restrictions, to French, Spanish, Dutch, Danish, and Swedish Vessels; and while the Ports of every Nation in the West Indies, Great Britain alone excepted, are in like manner accessible to American Vessels, they have been, and still are, by new regulations, enforced since the conclusion of that Convention, rigorously excluded from the British Ports. This exclusion of all participation in the advantage of carrying between the 2 Countries, the articles of a Commerce mutually beneficial to both Parties, has not only the aspect of a policy peculiarly pointed against The United States, but it defeats, in a great degree, the principle of equalizing the advantages of the Commerce between the 2 Countries, by equalizing the duties and charges upon the Vessels of both, in the direct intercourse between them. For, while British Vessels, after performing a direct voyage from Europe to The United States, are there received upon terms of equality with those of The United States, they now enjoy the exclusive benefit of resorting to an intermediate market in the West Indies, while the Vessels of The United States are restricted to the direct interchange to and from Europe. The result of which is, that British Vessels enjoy, in the Ports of The United States, important advantages, even over the Vessels of The United States themselves. It must be obvious that this cannot long be tolerated; that, if the Commerce with those parts of the British Dominions is not placed on a footing of reciprocity, similar restraints will become indispensable on the part of The United States. Such countervailing restraints were proposed at the last Session of Congress, and postponed, in the hope that satisfactory arrangements might be made before the next meeting, to prevent a recurrence to a system of commercial hostility, inconsistent with the interests of both Nations, inauspicious to the amicable relations now existing between them, and repugnant to the most earnest wishes of the American Government. In the arrangements proposed, they do not contemplate any interference on their part, with the Colonial monopoly of Great Britain. It is not asked that she should renounce the right of prohibiting the importation into her

Colonies, from The United States, of whatever articles she may think fit ; but that the Commerce which, for their and her own advantage, Great Britain allows between them and The United States, should be placed on the same footing of reciprocity as the direct trade between Great Britain and The United States was intended to be placed by the Convention of 3rd July, 1815.

While on this subject, the Undersigned cannot but remark the extraordinary measures relating to the commercial intercourse between The United States and the British Colonies in North America and in the West Indies, adopted since the conclusion of the Commercial Convention of 3rd July, 1815. In all of them very heavy duties have been imposed upon the importation of American produce, even when carried in British Ships. A heavy duty of exportation has been laid in the Province of Nova Scotia upon Plaster of Paris, an article for which there is no other market than The United States. And in the Province of Upper Canada, an Act of the Provincial Legislature having first vested in the Lieutenant-Governor and Council the power of regulating the commercial intercourse between that Province and The United States, that Body did, on the 18th of April last, issue an Order, imposing heavy duties upon many articles of the growth or manufacture of The United States, with an addition of 12 per cent. on all those duties upon importation in American Vessels, and a tonnage duty of 12 shillings and 6 pence per ton, upon every Vessel exceeding 5 tons burthen, entering any Port or Harbour of the Province, and belonging to Citizens of The United States. The inland commerce between The United States and Upper Canada, is believed to be of paramount importance to the Province; but were it even equally important to The United States, measures like these can be viewed in no other light than as efforts to engross, exclusively, the whole of the trade on one side. It would be far more agreeable to the American Government to settle this intercourse by amicable concert, than to be left under the necessity of meeting a system of exclusion by counteracting regulations.

2. *Seamen*.—It is proposed to stipulate, that neither The United States nor Great Britain shall employ, in their Naval or Merchant Service, Native Citizens or Subjects of the other Party, with the exception of those already naturalized, of whom the number is very small. From the well-known fact that the wages of Seamen in time of Peace are invariably higher in the American Service, of both descriptions, than in the British, it is apparent that the advantage of this Stipulation will be almost entirely on the side of Great Britain. Although obviously proper that it should be reciprocal, it is offered, not as an engagement from which The United States expect to derive any advantage in itself, but as the means to Great Britain of reserving to herself the Services of all her own native Seamen, and of removing for ever

the necessity of resorting to means of force, either by her Naval Officers to take men from the Vessels of The United States, or by The United States to resist the renewal of that practice, in the event of any future maritime War, to which they may be neutral. In adopting the principle proposed, the American Government are prepared to secure its faithful execution by any reciprocal regulation which may be deemed necessary, consistent with their Constitution and the spirit of their Laws.

3. *Neutral and Belligerent Rights.*—It is equally desirable, in the view of the American Government, to arrange, at this time, every question relating to Neutral Rights: particularly those concerning Blockade; Contraband of War; visits at sea of Merchant Vessels by Ships of War; the trade with the Colonies of Enemies, and between them and the Parent Country, and the trade from one port of an Enemy to another. The tendency of discordant principles upon these points to embroil neutral and belligerent States with each other, has been shown, by the melancholy experience of Ages. The frequent departures, during the most recent Wars, from all acknowledged principles founded on the general usages of Nations, have still more unsettled whatever reliance might heretofore have been placed upon their authority. A time of Peace, when the feelings of both Parties are free from the excitement of any momentary interest, and when the operation of the principles to be sanctioned by mutual compact depends upon contingencies which may give either Party the first claim to the stipulated rights of the belligerent or of the neutral, must be more favourable to the amicable adjustment of these questions, than a time of actual War, under circumstances when the immediate interests of each Party are engaged in opposition to those of the other. Whether Great Britain or The United States will be first engaged in a maritime War with any third Party, cannot now be foreseen; but it is of the deepest interest to the permanency of the peace and friendship between them, that they should come to an explicit understanding with each other upon the points here referred to, before the occurrence of any such event on either side. It is not the desire of the American Government to propose, upon these subjects, any innovation upon principles often recognized by Great Britain herself, in her Treaties with other Powers. They wish only, by a mutual compact now formed, to guard against collisions, which the recollection of the past so forcibly admonishes the Rulers of both Nations to obviate, if possible, for the future.

4. *Slaves carried away from The United States by British Officers, after the Peace.*—As the construction given by His Majesty's Government, to the 1st Article in the Treaty of Ghent, in reference to the Slaves carried away from The United States by British Officers, after the Ratification of the Peace, is so directly at variance with the construction which the American Government think alone applicable to it,

the Undersigned has been further instructed to propose that this question should be submitted to the decision of some friendly Sovereign. This reference is suggested by provisions in the Treaty of Ghent itself, applicable to the contingency of differences in other instances; and it is conceived that, when such differences exist, no better mode can be adopted for settling them in a satisfactory manner.

Should His Majesty's Government think proper to accept this proposal for a Negotiation, upon the points with regard to which the general wishes of the Government of The United States have been here frankly exposed, the Undersigned will be ready to enter into further communications with any Person who may be authorized to confer with him for the purpose of such a Negotiation. If the offer should not be deemed acceptable, he requests the honour of as early an Answer as may be convenient.

The Undersigned prays Lord Castlereagh, &c.

Viscount Castlereagh.

JOHN QUINCY ADAMS.

No. 23.—Mr. Adams to Mr. Monroe.

(Extract.)

London, 5th October, 1816.

LORD Castlereagh left London this week upon a visit to Ireland. Previous to his departure I received from him a Letter, of which a Copy is herewith enclosed. Although the absence of several of the Cabinet Ministers is alleged as the motive for postponing the Answer to my Note of the 17th September, and although his Lordship promises to lay the subjects suggested in it before his Colleagues, immediately after his return, there is no reason to expect that any departure from the policy already determined upon will take place. It is probable that you will receive this Despatch about the time of the meeting of Congress. Any measures in the spirit, and with the object, of those proposed at the last Session, and then postponed, may be now adopted without hesitation. My own entire conviction is, that the operation of such measures, if successful, will be the only possible means of convincing this Government of the expediency of relaxing from the rigour of their exclusive Colonial system. It is, and uniformly has been, my opinion, that the result of the equalization of Duties will be to the advantage of Great Britain, and to our disadvantage. But the principle was sanctioned by an Act of Congress, before the Convention of 3d July, 1815, was negotiated. The benefit of the Convention to us, if any, is in the India Trade; but as its duration is to be so short, the only chance of having it renewed, at the end of its 4 years, with Additional Articles of more liberality, will be, effective counteracting regulations in respect to the Commerce with the British Colonies in the West Indies.

The Hon. James Monroe.

JOHN QUINCY ADAMS.

(*Enclosure.*)—*Viscount Castlereagh to Mr. Adams.*

SIR,

Foreign Office, 28th September, 1816.

I VERY much regret that the absence from London, at this season of the year, of several of the Prince Regent's Ministers, will preclude me from returning as early an Answer to your Note of the 17th inst. as I should wish, under the sense I entertain of the great importance of the several objects to which it invites the attention of this Government.

I have myself obtained the permission of the Prince Regent to make a short excursion to Ireland on my private affairs, but I shall certainly return to London by the middle of November, and shall lose no time, as soon after that period as my Colleagues shall be re-assembled, to bring the various objects referred to in your Note under their deliberation.

I am, &c.

John Quincy Adams, Esq.

CASTLEREAGH.

No. 24.—*Mr. Adams to Mr. Monroe.*

(Extract.)

London, 24th December, 1816.

YESTERDAY morning I received a Note from Lord Castlereagh, requesting me to call upon him; and he informed me, that, as he was going out of town for a few days, he had sent for me to say, that he had not forgotten his promise to me before his departure for Ireland; that the proposal in my Note of the 17th September, for a commercial Negotiation, should be considered immediately after his return; that 2 Cabinet Councils had already been held on the subject, and, as soon as the objects could be sufficiently matured, for the proper authority to be given to him to treat, I should hear from him again. It would seem from this, as if the proposal would be so far accepted as to enter upon a Negotiation; but, I beg leave to point your attention to an article in the Courier of last evening, stating the proceedings in the Island of Dominica, after the late hurricane, including a Letter from Earl Bathurst, dated the 28th of September last, and to an advertisement from the Victualling Office, for a supply of flour, to be delivered at several of the West India Islands, from The United States, both in the same Paper.

The Hon. James Monroe.

JOHN QUINCY ADAMS.

No. 25.—*Mr. Monroe to Mr. Adams.*

SIR,

Department of State, Washington, 5th February, 1817.

I HAVE the honour to forward to you, herewith, a Copy of my Correspondence with Mr. Bagot, in relation to the Fisheries on the Coast of Labrador, &c. from which you will perceive that our Negotiation on that interesting subject has not had the desired result.

Mr. Bagot professes, on the part of his Government, the most conciliatory disposition in regard to this affair, and it is yet to be hoped that it may be satisfactorily settled. With this view, the President intends to renew the Negotiation, as soon as he can obtain the information necessary to enable him to decide what arrangement would be best calculated to reconcile the interests of both Parties, which he hopes to do in the course of a few months. In the mean time, he expects that no measures will be taken by the British Government to alter the existing state of things, and that it will be in your power to obtain the renewal of the Order to the Naval Officer, commanding on that station, not to interrupt or disturb our Fishermen during the approaching season.

You will see the importance of an early attention to this subject, as the fishing season is fast approaching.

I have, &c.

Mr. Adams.

JAMES MONROE.

No. 26.—Mr. Bagot to Mr. Monroe.

SIR,

Washington, 27th November, 1816.

IN the conversation which I had with you some days ago, upon the subject of the Negotiation into which the British Government is willing to enter, for the purpose of affording to the Citizens of The United States such accommodation for their Fishery, within the British jurisdiction, as may be consistent with the proper administration of His Majesty's Dominions, you appeared to apprehend that neither of the propositions which I had had the honour to make to you upon this subject, would be considered as affording, in a sufficient degree, the advantages which were deemed requisite.

In order that I may not fail to make the exact nature of the propositions clearly understood, and that I may fully explain the considerations by which they have been suggested, it may, perhaps, be desirable, that I should bring under one view the substance of what I have already had the honour of stating to you, in the several Conferences which we have held upon this business.

It is not necessary for me to advert to the discussion which has taken place between Earl Bathurst and Mr. Adams. In the Correspondence which has passed between them, you will have already seen, in the Notes of the former, a full exposition of the grounds upon which the liberty of drying and fishing within the British Limits, as granted to the Citizens of The United States by the Treaty of 1783, was considered to have ceased with the War, and not to have been revived by the late Treaty of Peace.

You will also have seen herein detailed, the serious considerations affecting not only the prosperity of the British Fishery, but the gene-

ral interests of the British Dominions, in matters of Revenue as well as Government, which made it incumbent upon His Majesty's Government to oppose the renewal of so extensive and injurious a concession within the British Sovereignty, to a Foreign State, founded upon no principle of reciprocity, or adequate compensation whatever. It has not been thought necessary to furnish me with additional argument upon this point; I, therefore, confine myself, upon the present occasion, to a brief repetition of what I have already, at different periods, had the honour to submit to your consideration, upon the subject of an arrangement, by which it is hoped, practically, to reconcile the different views of our respective Governments.

It will be in your recollection, that, early in the month of July last, I had the honour to acquaint you that I had received instructions from my Government to assure you, that, although it had been felt necessary to resist the claim which had been advanced by Mr. Adams, the determination had not been taken in any unfriendly feeling towards America, or with any illiberal wish to deprive her Subjects of adequate means of engaging in the Fisheries; but that, on the contrary, many of the considerations which had been urged by Mr. Adams, on behalf of the American Citizens formerly engaged in this occupation, had operated so forcibly in favour of granting to them such a concession as might be consistent with the just rights and interests of Great Britain, that I had been furnished with Full Powers from His Royal Highness the Prince Regent, to conclude an Arrangement upon the subject; which, it was hoped, might at once offer to The United States a pledge of His Royal Highness's good will, and afford to them a reasonable participation of those benefits of which they had formerly had the enjoyment.

It being the object of the American Government, that, in addition to the rights of Fishery, as declared by the 1st branch of Article III of the Treaty of 1783, permanently to belong to the Citizens of The United States, they should also enjoy the privilege of having an adequate accommodation, both in point of harbours and drying ground, on the unsettled Coasts within the British Sovereignty, I had the honour to propose to you, that that part of the southern Coast of Labrador which extends from Mount Joli, opposite the eastern end of the Island of Anticosti, in the Gulf of St. Lawrence, to the Bay and Isles Esquimaux, near the western entrance of the Straits of Belle-Isle, should be allotted for this purpose, it being distinctly agreed that the Fishermen should confine themselves to the unsettled parts of the Coast, and that all pretention to fish or dry within the maritime Limits, or on any other of the Coasts of British North America, should be abandoned.

Upon learning from you, some weeks afterwards, that, from the information which you had received upon the subject of this Coast,

you were apprehensive that it would not afford, in a sufficient degree, the advantages required, I did not delay to acquaint you, that I was authorised to offer another portion of Coast, which it was certainly not so convenient to the British Government to assign; but which they would, nevertheless, be willing to assign; and which, from its natural and local advantages, could not fail to afford every accommodation of which the American Fishermen could stand in need. I had then the honour to propose to you, as an alternative, that, under similar conditions, they should be admitted to that portion of the southern Coast of Newfoundland which extends from Cape Ray, eastward, to the Ramea Islands; or to about the longitude of 57° west of Greenwich.

The advantages of this portion of Coast are accurately known to the British Government; and, in consenting to assign it to the uses of the American Fishermen, it was certainly conceived, that an accommodation was afforded, as ample as it was possible to concede, without abandoning that control within the entire of His Majesty's own Harbours and Coasts, which the essential interests of His Majesty's Dominions required. That it should entirely satisfy the wishes of those who have, for many years, enjoyed, without restraint, the privilege of using, for similar purposes, all the unsettled Coasts of Nova Scotia and Labrador, is not to be expected; but, in estimating the value of the proposal, the American Government will not fail to recollect, that it is offered without any equivalent, and notwithstanding the footing upon which the Navigation of the Mississippi has been left by the Treaty of Ghent, and the recent Regulations by which the Subjects of His Majesty have been deprived of the privileges, which they so long enjoyed, of trading with the Indian Nations within the Territory of The United States.

I have the honour to be, &c.

The Hon. James Monroe.

CHARLES BAGOT.

No. 27.—Mr. Monroe to Mr. Bagot.

SIR, *Department of State, Washington, 30th December, 1816.*

I HAVE had the honour to receive your Letter of the 27th of November, and to submit it to the consideration of the President.

In providing for the accommodation of the Citizens of The United States engaged in the Fisheries, on the Coast of His Britannic Majesty's Colonies, on conditions advantageous to both Parties, I concur in the sentiment, that it is desirable to avoid a discussion of their respective rights; and to proceed, in a spirit of conciliation, to examine what arrangement will be adequate to the object. The discussion which has already taken place between our Governments, has, it is presumed, placed the claim of each Party in a just light. I shall, therefore, make no remark on that part of your Note which relates to the right of the Parties, other than by stating, that this Government entered

into this Negotiation on the equal ground of neither claiming or making any concession in that respect.

You have made 2 Propositions, the acceptance of either of which must be attended with the relinquishment of all other Claims on the part of The United States, founded on the first branch of the IVth Article of the Treaty of 1783. In the first, you offer the use of the Territory on the Labrador Coast, lying between Mount Joli and the Bay of Esquimaux, near the entrance of the Strait of Belle-Isle; and in the second, of such part of the Southern Coast of the Island of Newfoundland, as lies between Cape Ray and the Ramea Islands.

I have made every inquiry that circumstances have permitted, respecting both these Coasts, and find that neither would afford to the Citizens of The United States the essential accommodation which is desired: neither having been much frequented by them heretofore, or likely to be in future. I am compelled, therefore, to decline both Propositions.

I regret that it has not been in my power to give an earlier Answer to your Note: you will, however, have the goodness to impute the delay to a reluctance to decline any proposition which you had made, by the order of your Government, for the arrangement of an interest of such high importance to both Nations, [and to the difficulty of obtaining all the information necessary to guide this Government in the decision.

I have, &c.

The Right Hon. Charles Bagot.

JAMES MONROE.

No. 28.—Mr. Bagot to Mr. Monroe.

SIR,

Washington, 31st December, 1816.

I HAVE had the honour to receive your Letter of yesterday's date, acquainting me that neither of the Propositions which I had submitted to your consideration, upon the subject of providing for the Citizens of The United States, engaged in the Fisheries, some adequate accommodation for their pursuit upon the Coasts of His Majesty's Territories having been found to afford the essential conveniences which are desired, you are compelled to decline them.

The object of His Majesty's Government, in framing these Propositions, was to endeavour to assign to the American Fishermen, in the prosecution of their employment, as large a participation of the conveniences afforded by the neighbouring Coasts of His Majesty's Settlements, as might be reconcileable with the just rights and interests of His Majesty's own Subjects, and the due administration of His Majesty's Dominions; and it was earnestly hoped that either one or the other of them would have been found to afford, in a sufficient degree, the accommodation which was required.

The wish of His Royal Highness the Prince Regent to extend to the Citizens of The United States every advantage which, for the pur-
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poses in view, can be derived from the use of His Majesty's Coasts, has no other limit than that which is necessarily prescribed by a regard to the important considerations to which I have adverted. His Royal Highness is willing to make the utmost concession which those considerations will admit; and in proof of the sincerity of this disposition, I have received His Royal Highness's Instructions to acquaint you, that if, upon examination of the local circumstances of the Coasts, which I have had the honour to propose, the American Government should be of opinion that neither of them, taken separately, should afford, in a satisfactory degree, the conveniences which are deemed requisite, His Royal Highness will be willing that the Citizens of The United States should have the full benefit of both of them, and that, under the conditions already stated, they should be admitted to each of the Shores, which I have had the honour to point out.

In consenting to assign to their use so large a portion of His Majesty's Coasts, His Royal Highness is persuaded that he affords an unquestionable testimony of his earnest endeavour to meet, as far as is possible, the wishes of the American Government, and practically to accomplish, in the amplest manner, the objects which they have in view. The free access to each of these Tracts cannot fail to offer every variety of convenience which the American Fishermen can require in the different branches of their occupation; and it will be observed, that an objection which might possibly have been felt to the acceptance of either of the Propositions, when separately taken, is wholly removed by the offer of them conjointly; as, from whatever quarter the wind may blow, the American Vessels engaged in the Fishery will always have the advantage of a safe Port under their lee.

His Royal Highness conceives that it is not in His Royal Highness's power to make a larger concession than that which is now proposed, without injury to the essential rights of His Majesty's Dominions, and some of the chief interests of His Majesty's own Subjects. But it will be a source of sincere satisfaction to His Royal Highness, if, in the arrangement which I have the honour to submit, the Citizens of The United States shall find, as His Royal Highness confidently believes that they will find, ample means of continuing to pursue their occupation with the convenience and advantage which they desire.

I have, &c.

The Hon. James Monroe.

CHARLES BAGOT.

No. 29.—Mr. Monroe to Mr. Bagot.

SIR,

Department of State, Washington, 7th January, 1817.

I HAVE had the honour to receive your Letter of the 31st of December, proposing an accommodation of the difference between our Governments, relative to the Fisheries comprised in the first branch

of the IVth Article of the Treaty of 1783, by the allotment of both the Coasts, comprised in your former Propositions.

Having stated in my Letter of the 30th of December, that, according to the best information which I had been able to obtain, neither of those Coasts had been much frequented by our Fishermen, or was likely to be so in future, I am led to believe that they would not when taken conjointly, as proposed in your last Letter, afford the accommodation which is so important to them, and which it is very satisfactory to find it is the desire of your Government that they should possess. From the disposition manifested by your Government, which corresponds with that of The United States, a strong hope is entertained that further inquiries into the subject will enable His Royal Highness the Prince Regent to ascertain, that an arrangement on a scale more accommodating to the expectation of The United States will not be inconsistent with the interest of Great Britain.

In the mean time, this Government will persevere in its measures for obtaining such further information, as will enable it to meet yours in the conciliatory views which are cherished on both sides.

I have, &c.

The Right Hon. Charles Bagot.

JAMES MONROE.

No. 30.—Mr. Adams to Mr. Monroe.

SIR,

London, 20th March, 1817.

THE day before yesterday I had an interview with Lord Castlereagh, when he informed me that the British Government had come to a determination respecting the commercial part of the proposals for the negotiation of a further Treaty, which I had made last September. That they were still not prepared to abandon their ancient Colonial System, but they were willing to extend to The United States the benefits of the Free Port Act, to the same extent that they were now enjoyed by the Vessels of European Nations, and to give a partial admission of our Vessels to the Island of Bermuda and to Turk's Island. And, with regard to the intercourse between The United States and the adjoining British Provinces, they would renew a proposal heretofore made, founded altogether upon the principle of reciprocity, which proposal he read to me from a Paper which he said was not quite finished, but which would be sent me in the course of the next day. Last evening I received a Note from Mr. Hamilton, the Under Secretary of State in the Foreign Department, with a Draft of 4 Articles, a Copy of which, hastily made, I now enclose, as Mr. Everett leaves Town this morning. The part read to me by Lord Castlereagh was the IVth Article, excepting the last paragraph.

I do not think it possible to make any thing out of these Articles to which I can, under my present Instructions, agree. I therefore enclose Copies of them, with the request of immediate further Instructions.

Lord Castlereagh informed me, that they had received information that the Act of Congress, prohibiting the clearance of Foreign Vessels for Ports to which Vessels of The United States are not admitted, had passed; and he repeated the assurance that this Government considered it as perfectly proper, and as giving them no cause of complaint or dissatisfaction. It seem to me, however, that the very slight and partial concessions in the enclosed Articles, are intended to counteract its effects, and this opinion contributes to caution me against subscribing to them without your further orders. Lord Castlereagh's offer is to make them supplementary to the Convention of 3rd July, 1815, and to be in force for the same time.

I am, &c.

The Hon. James Monroe.

JOHN QUINCY ADAMS.

(Enclosure.)—Four Articles proposed by Viscount Castlereagh.

ART. I. His Britannic Majesty consents to extend to The United States the provisions of the Free Port Act, as established by the 45th Geo. III. Cap. 57, (except as far as relates to Negro Slaves, which under the Abolition Acts, can no longer be lawfully exported from any British Possession to any Foreign Country) that is to say, that any Sloop, Schooner, or other Vessel whatever, not having more than one deck, and being owned and navigated by Subjects of The United States may import into any of the Free Ports in His Majesty's Possessions in the West Indies, from The United States, any of the articles enumerated in the above Act, being of the growth or production of The United States; and any coin, bullion, diamonds, and precious stones, and the said Articles being of the growth or production of The United States; and also all other articles imported into the said Free Ports, by virtue of this Convention from The United States, shall be subject, in all respects, to the same Rules, Regulations, and Restrictions, and shall enjoy the same advantages, as to re-exportation, as are now applied to similar articles when imported by authority of the said Act, from any other Foreign Country, and re-exported from the said Possessions of His Majesty. His Britannic Majesty further consents, that any Vessel of The United States as above described, may export from any of the said Ports to The United States, rum, of the produce of any British Colony or Possession, and also all manner of goods, wares, or merchandise, which shall have been legally imported into those Possessions of His Majesty in which the said Free Ports are established, except masts, yards, or bowsprits, pitch, tar, and turpentine; and also except such iron as shall have been brought from the British Colonies or Plantations in America.

And whereas, by an Act passed in the 48th year of His Majesty's Reign, Cap. 125, rice, grain, and flour, are added to the articles previously allowed to be imported into the said Free Ports, it is agreed,

that those articles may be imported from The United States into the said Free Ports, in Vessels of The United States, as above described; and it is agreed, on the part of The United States, that any facilities granted in consequence of this Convention, to American Vessels in His Majesty's said Colonies and Possessions, shall be reciprocally granted, in the Ports of The United States, to British Vessels of a similar description, engaged in the intercourse so allowed to be carried on; and that if, at any future period, during the continuance of this Convention, His Britannic Majesty should think fit to grant any further facilities to Vessels of The United States, in the said Colonies and Possessions, British Vessels trading between the said Colonies and Possessions and The United States, shall enjoy in the Ports of the latter equal and reciprocal advantages.

It is further agreed, that articles imported into the said Free Ports of The United States, by virtue of this Convention, shall pay the same Duties as are or may be payable upon similar articles when imported into the said Free Ports from any other Foreign Country. And the same rule shall be observed on the part of The United States, in regard to all Duties chargeable upon all such articles as may, by virtue of this Convention, be exported from the said Free Ports of The United States. But His Britannic Majesty reserves to himself the right to impose higher Duties upon all articles so allowed to be imported into the said Free Ports from The United States, or from any other Foreign Country, than are or may be chargeable upon all similar articles when imported from any of His Majesty's Possessions.

II. His Britannic Majesty engages to allow the Vessels of The United States to import into the Island of Bermuda the following articles, to wit: tobacco, pitch, tar, turpentine, hemp, flax, masts, yards, bowsprits, staves, heading boards, and plank, timber, shingles, and lumber of any sort: bread, biscuit, flour, pease, beans, potatoes, wheat, rice, oats, barley, and grain of any sort; such commodities being the growth or production of the Territories belonging to The United States of America. And to export from the said Island, to The United States, in Vessels of the said States, any goods or commodities whatsoever, which are now by law allowed to be exported from His Majesty's Colonies and Possessions in the West Indies, to any Foreign Country or Place in Europe. And also, sugar, molasses, coffee, cocoa nuts, ginger, and pimento; and, also, all goods, the growth, produce, or manufacture, of the United Kingdom of Great Britain and Ireland, upon the same terms, and subject to the same Duties only, as would affect similar articles when imported from The United States into Bermuda, or exported from Bermuda to The United States, in British Ships. And it is agreed, on the part of The United States, that a similar equality shall prevail in the Ports of the said

States, with regard to all British Vessels trading in similar articles between The United States and the Island of Bermuda.

III. It is agreed that Vessels of The United States may resort to Turk's Island, for the purpose of taking in Cargoes of salt, for The United States; and that the Vessels, so resorting to the said Islands, shall be allowed to import tobacco and cotton wool, the produce of the said United States, upon the same terms, and subject to the same Duties, as British Ships when engaged in a similar intercourse. It is agreed, on the part of The United States, that a similar equality shall prevail in the Ports of the said States, with regard to all British Vessels trading in the same articles between The United States and the said Turk's Island.

IV. It is agreed, that the Navigation of all lakes, rivers, and water communications, the middle of which is, or may be, the boundary between His Britannic Majesty's Territories on the Continent of North America, and The United States, shall, with the exception hereinafter mentioned, at all times be free to His Majesty's Vessels, and those of the Citizens of The United States. The Inhabitants of His Britannic Majesty's Territories in North America, and the Citizens and Subjects of The United States, may freely carry on trade and commerce, by land or inland navigation, as aforesaid, in goods and merchandize, the growth, produce, or manufacture, of the British Territories in Europe or elsewhere, or of The United States, respectively, within the Territories of the 2 Parties respectively, on the said Continent (the Countries within the limits of the Hudson's Bay Company only excepted,) and no other or higher duties, or tolls, or rates of carriage or portage, than which are or shall be payable by Natives respectively, shall be taken or demanded on either side. All goods or merchandize, whose importation into The United States shall not be wholly prohibited, may freely, for the purposes of commerce, abovementioned, be carried into the said United States, in the manner aforesaid, by His Britannic Majesty's Subjects; and such goods or merchandize shall be subject to no other or higher Duties than would be payable by Citizens of The United States, on the importation of the same in American Vessels into the Atlantic Ports of The United States; and in like manner, all goods and merchandize, the growth, produce, or manufacture, of The United States, whose importation into His Majesty's said Territories in America shall not be entirely prohibited, may freely, for the purposes of the commerce above-mentioned, be carried into the same by land, or by means of such lakes, rivers, and water communications, as above-mentioned, by the Citizens of The United States; and such goods and merchandize shall be subject to no other or higher Duties than would be payable by His Majesty's Subjects on the importation of the same from Europe into the said Territories.

No Duty shall be levied by either Party, on peltries or furs, which

may be brought in the manner aforesaid, by land or inland navigation, from the said Territories of one Party into the said Territories of another; but tolls or rates of ferriage may be demanded and taken, in manner above-mentioned, on such peltries or furs.

It is further agreed that nothing in this Article contained, as to the navigation of rivers, lakes, or water communications, shall extend to give a right of navigation upon or within the same, in those Ports where the middle is not the boundary, between His Britannic Majesty's Territories and the United States of America.

No. 31.—Mr. Adams to Viscount Castlereagh.

(Extract.)

28, Craven Street, 21st April, 1817.

THE Undersigned, Envoy Extraordinary and Minister Plenipotentiary from the United States of America, has received the 4 projected Articles for a Supplement to the Commercial Convention of 3rd July, 1815, sent him by direction of Lord Castlereagh, and has transmitted them for the consideration of his Government.

By a Letter of Instruction from the Secretary of State of The United States, of the 5th of February last, the Undersigned is informed that the Negotiation between him and Mr. Bagot, in relation to the Fisheries on the North American Coast, had not been brought to the desired result; that it is yet to be hoped, however, that it may be satisfactorily settled. That, with this view, it was the President's intention to renew the Negotiation as soon as he could obtain the information necessary to ascertain what arrangement would be best calculated to reconcile the interests of both Parties, which he hoped to do in the course of a few months. That, in the mean time, he relied that no measures would be taken by His Majesty's Government, to alter the existing state of things, and particularly, that the order to the Naval Officer commanding on that Station, not to interrupt or disturb the American Fishermen during the approaching season, would be renewed.

The Undersigned, &c.

Viscount Castlereagh.

JOHN QUINCY ADAMS.

No. 32.—Viscount Castlereagh to Mr. Adams.

(Extract.)

Foreign Office, 7th May, 1817.

THE Undersigned, His Majesty's Principal Secretary of State for Foreign Affairs, in reply to Mr. Adams's Note of the 21st ultimo, has the honour to acquaint him, that as soon as the Proposition which Mr. Bagot was authorized, in July last, to make to the Government of The United States, for arranging the manner in which American Citizens might be permitted to carry on the Fisheries within the British limits, had been by them declined, viz: in the month of February,—the same was immediately notified by His Majesty's Minister in America, to the British Admiral commanding at Halifax, the effect of which notifica-

tion was to revive the orders which Mr. Bagot had taken upon himself to suspend, in the expectation that the discussions, in which he was then employed with the American Government, would have led to a satisfactory issue.

These discussions having failed of success, and the orders above alluded to being consequently now in full force, the British Government cannot but feel some reluctance again to suspend them, without being in possession of more precise grounds for expecting an adjustment. Persuaded, however, from the Official Communication received from Mr. Adams, that it is not only the sincere desire of the President of The United States to come to an amicable arrangement, but also, that he, being already in possession of the views of Great Britain, is now led to entertain a strong expectation that a settlement, which shall reconcile the interests of both Parties, may, without any material delay, be effectuated, the Prince Regent, under these impressions, is willing to give to the American Government this additional proof of his earnest wish that the Negotiation should proceed, under circumstances the most favourable to a speedy and amicable conclusion, by acceding to the application of the Government of The United States, as brought forward by Mr. Adams. Instructions will accordingly be expedited to the Naval Commanders on the American Station, to suspend the execution of the said orders, during the approaching season. Ample opportunity will thus be afforded for coming to an amicable arrangement, more particularly as it appears the American Secretary of State, in February last, had it in contemplation to offer, for the consideration of the British Government, some specific Proposition on the subject, which Mr. Bagot did not then feel himself authorized to take, *ad referendum*, but which he has since been instructed to receive, and transmit for the opinion of his Court.

J. Q. Adams, Esq.

CASTLEREAGH.

No. 33.—Mr. Rush to Mr. Bagot.

SIR,

Department of State, Washington, 30th May, 1817.

I HAD the honour to receive, and have laid before the President, your Note of the 27th of this month.

In answer to it, I have the honour to state, that this Government is not yet prepared to make known, in any definite and final shape, the nature and extent of the accommodation desired by its Citizens engaged in the Fisheries, along the Coast of His Britannic Majesty's Dominions, according to the invitation held out, by order of the Prince Regent, in your Note. At the same time, I am directed by the President to inform you, that he recognises, in the terms of this invitation, not less than in the general scope of your Note, a spirit of friendly accommodation, which this Government, not foregoing rights which it

feels itself bound to look to, will, nevertheless, be desirous, in the fullest extent, to reciprocate.

On the return of the President from a tour through part of The United States, which he is now upon the eve of commencing, it is expected that this Department will be enabled to offer such Propositions as, taking for their basis the principles stated in your Note, it is confidently hoped, may end in an adjustment of this important interest, upon terms reconcileable with the views of both Nations, and serve to strengthen the harmony and good understanding which it is so desirable to cultivate and preserve between them.

I have, &c.

The Right Hon. Charles Bagot.

RICHARD RUSH.

No. 34.—Mr. Rush to Mr. Bagot.

SIR,

Department of State, Washington, 4th August, 1817.

It becomes my duty to address you upon a subject of deep interest to all those Citizens of this Country, who are concerned in the Fisheries.

By Representations made to this Department, it appears, that, at the commencement of the present fishing season, 20 sail of Fishing Vessels, of from 20 to 45 tons burden, belonging to Ports of The United States, were fitted out, and sailed, for the purpose of Fishing on the Western Bank. That, while on their way, a number of them were compelled by a storm to put into a Harbour, at Ragged Island, near Shelburne Light-house. That, while there, they were boarded by an Officer of the Customs, who demanded, and received light-money from them, notwithstanding the circumstances of compulsion and distress under which they had entered the Port. That they afterwards proceeded to the bank, where, after remaining many weeks, they completed their fares of fish, and commenced their return to The United States. That, meeting with another severe storm, upon their return, they were again forced to seek shelter in a British Port, a few leagues to the westward of Halifax. That in this Port they were captured by an armed Barge, despatched from the British Sloop of War *Dee*, Captain Chambers, and the next morning ordered for Halifax, where they all arrived on the 9th of June. That the unfortunate Crews have been exposed to peculiar inconveniences and hardships, and that those who desired to return to their homes were refused Passports towards facilitating that end, from the proper Officers to whom they made application.

For further particulars connected with the above facts, I have the honour to enclose you an Extract of a Letter* to this Department, from the Collector of Boston, dated June the 30th. It will be seen that it is

* The Letter referred to is mislaid.

not a case involving unsettled questions between the 2 Countries in relation to the Fisheries, but which it is so confidently hoped are in a train of satisfactory and amicable arrangement. It is, on the other hand, distinctly said, that the Boats, far from taking a fish in any Waters claimed as British Waters, took them all at a distance of many leagues from the Coast, while the other alleged facts would seem to forbid the imputation of their having entered a British Harbour from any other than a lawful and necessary motive.

Should the facts, as represented, prove to be well founded, the President feels persuaded that your Government will not fail to take such measures, as well towards redressing the evil complained of, in the present instance, as towards preventing the recurrence of one of the like nature, as are due to justice, and the harmony and good understanding which so happily subsist between the 2 Nations.

I pray you, &c.

The Rt. Hon. Charles Bagot.

RICHARD RUSH.

No. 35.—Mr. Bagot to Mr. Rush.

SIR,

Washington, 8th August, 1817.

I HAD yesterday the honour to receive your Letter of the 4th instant, acquainting me with the Representations which had been made to the Department of State, in relation to the seizure, by His Majesty's Ship *Dee*, of certain American Fishing Vessels, found in the Harbours of Port Negro and Ragged Island, upon the Coast of Nova Scotia; and transmitting to me the Extract of a Letter upon the subject, from the Collector of the Customs at Boston.

Should the circumstances of this seizure, as they have been represented to the American Government, prove to be correct, I can have no hesitation in giving you every assurance that His Majesty's Government will, willingly, take measures for the prompt redress of the injuries to which it may have led, and for the prevention of their recurrence: but the Representations which I have received upon the subject from the Commander-in-Chief of His Majesty's Squadron on the Halifax Station, differ so essentially in point of fact from those which have been made to the American Government, that I have every reason to hope, that, upon a proper investigation of the transaction, it will not be found to involve any just cause of complaint.

I have the honour to transmit to you, enclosed, the Copy of a Letter from the Captain of His Majesty's Ship *Dee* to the Commander-in-Chief of His Majesty's Squadron on the Coast of Nova Scotia, reporting the grounds upon which he had deemed it to be his duty to detain these Vessels, together with a Copy of the Orders under which he had acted.

By these Papers, you will perceive that the Vessels in question were in the habit of occupying, and were, at the time of their seizure, actually occupying, for the purposes of their Fishery, the settled Har-

bours of His Majesty's Dominions, in violation of the orders at all times enforced against all Foreign Vessels detected in making similar encroachments, and of which it is not to be supposed that the Masters of these Vessels could have been ignorant.

The proceedings which have been instituted upon the captured Vessels, will, necessarily, lead to a complete investigation of all the circumstances under which they were detained; and there can be no doubt that the merits of the whole case, which appear to rest altogether upon questions of fact, will be then fully ascertained. I have, &c.
The Hon. Richard Rush. CHARLES BAGOT.

(Enclosure 1.)—Order of the British Admiral. *Bermuda, 12th May, 1817.*

By Sir David Milne, K. C. B. and K. W. N. Rear Admiral of the Blue, and Commander in Chief of His Majesty's Ships and Vessels employed, and to be employed, in North America, and on the Lakes of Canada, &c. &c. &c.

You are hereby required and directed to proceed, in His Majesty's Ship under your command, to Halifax, and, having received on board a Pilot at that Port, you will repair and cruise between Sambro Light-house and Cape Sable, using every mean in your power for the protection of the Revenue, as also the Fisheries on the Coast, against the encroachment of Foreigners.

On your meeting with any Foreign Vessel, fishing, or at anchor, in any of the Harbours or Creeks in His Majesty's North American Provinces, or within our maritime jurisdiction, you will seize and send such Vessel, so trespassing, to Halifax, for adjudication, unless it should clearly appear that they have been obliged to put in there in consequence of distress; acquainting me with the cause of such seizure, and every other particular, to enable me to give all information to the Lords Commissioners of the Admiralty.

You are to come within sight of signals from Sambro Light-house every 14 days, if the wind and weather will permit, and wait 8 hours at that distance. You will continue on this Service for 6 weeks from your sailing from Halifax, at the expiration of which time you will return to that Port for further orders.

Given on board His Majesty's Ship *Leander*, Bermuda, the 12th day of May, 1817.

DAVID MILNE.

Capt. Samuel Chambers, His Majesty's Ship Dee.

By Command of the Rear Admiral, J. P. LAMEY.

(Enclosure 2.)—Captain Chambers to Admiral Milne.

SIR, *His Majesty's Ship Dee, off Shelburne, 8th June, 1817.*

IN compliance with your Order of the 12th ultimo, I sailed from Halifax on the 30th ultimo, but did not meet or receive any intelli-

gence of Foreign Fishing Vessels being within our jurisdiction, until the 3d instant; when, being off the Isle Maten, I was informed that the whole of the Banks to the westward, (off Cape Sable and Shelburne,) were fished by American Schooners; and that they continually resorted to the Creeks on this Coast in order to catch their bait, clean their fish, wood, water, &c.; this, of course, is highly detrimental to the interest of the industrious Fishermen on this Coast. I was also informed, the intricate Harbours of Cape Negro and the Ragged Islands were their resort most evenings, several going in; but more particularly on Saturdays, when they remain till Monday to procure bait for the ensuing week. At the former place they had not been well received; at the latter, I suspect, much encouragement had been given them by an Individual. I intended having our boats into Ragged Island Harbour before day-light on the 4th, but light winds prevented our getting that length. I, therefore, in the course of the day, put into Shelburne; and, in the evening, despatched the boats, under the charge of Lieutenant Hooper, into Ragged Island, with the order I enclose, the weather preventing any boats returning until the 7th, when I received information that 9 American Fishing Vessels had been found at Ragged Island Harbour, lying with their nets set. Lieutenant Hooper remained at this place, and despatched Lieutenant Lechemere, with a gig and cutter, to Cape Negro, with the enclosed order. He found 2 American Fishing Vessels in the Harbour, and 7 others came in the course of Saturday. The whole joined me this day, with 2 others that came into Ragged Islands. I have, therefore, in obedience to your directions, sent them into Halifax for adjudication; as any distress they may plead, might, with more ease, be relieved at the regular Harbour of Shelburne, which has been avoided for 2 intricate Harbours in its immediate neighbourhood.

I beg further to state, that, without the use of our Harbours, it appears impossible for any Foreigners to carry on successful fishing on this Coast, which fishing has much injured our Fishermen; and, I have every reason to believe, that considerable smuggling of tobacco, shoes, &c. is carried on by their boats. I beg leave to enclose a List of the detained Vessels; and, also, to inform you, that, from some of the Americans attempting to tamper with some of our boats' crews, and the riotous conduct of others, I have been obliged to take precautionary measures to prevent any of the Vessels being run away with.

I have, &c.

SAMUEL CHAMBERS.

Rear Admiral Sir David Milne, K. C. B.

*No. 36.—Mr. Adams to Mr. Rush.**(Extract.) Department of State, Washington, 6th November, 1817.*

A FULL Power to conclude a Commercial Treaty is furnished you, together with your Commission and Credential Letters; and in your earliest Communications with the British Secretary of State for Foreign Affairs, you will give him notice that you have such a Power. Should he then, or at any subsequent time, *while The United States are at Peace*, manifest, on the part of his Government, a disposition to enter upon the Negotiation, and be provided with similar Powers, you will recur to the Instructions given to the American Plenipotentiaries for the negotiation of the Peace. In them, all the views of this Government, in relation to the proper regulation of Maritime Neutrality, are developed at large: and the President, still convinced that the principles there recommended are the best adapted to promote the great and permanent welfare of all mankind, and the preservation of peace upon Earth, is yet willing that The United States should be bound by them when their occasional and temporary operation may be to their disadvantage; provided they can secure the *benefit* of them, when they shall hereafter be under circumstances to operate in their favour.

With regard to the strictly commercial part of the Treaty, the principles for regulating the trade between the 2 Countries during Peace, you will recur to the same Instructions to the Plenipotentiaries for the Peace; to the Commercial Convention of the 3rd July, 1815; and to the Instructions given to your Predecessor, in reference to the Negotiation of a Commercial Treaty; particularly, with regard to the intercourse between The United States and the British Colonies in the West Indies, and upon this Continent.

Mr. Rush.

JOHN QUINCY ADAMS.

*No. 37.—Mr. Adams to Mr. Rush.**(Extract.) Department of State, Washington, 21st May, 1818.*

THE other Law, to which I have called your attention, is an Act concerning Navigation, passed on the 18th,* and published in the "National Intelligencer" of the 21st of April. It meets the British prohibitive Colonial System, by direct and countervailing prohibition, to commence from and after the 30th of September next. The vote upon its passage in the Senate, where it originated, was all but unanimous; and in the House of Representatives, the opposition to it amounted only to 15 or 16 votes.

Although no formal communication of this Law to the British Government will be necessary, it may naturally be expected that it will be noticed in your occasional conversations with Lord Castlereagh. He will doubtless remember, and may be reminded of the repeated

* See Commercial Treaties. Vol. 3. Page 489.

efforts made by this Government to render it unnecessary, by an amicable arrangement, which should place on an equitable footing of reciprocity, the intercourse between The United States and the British Colonies; he will remember the repeated warnings given, that to this result it must come, unless some relaxation of the British prohibitions should take place; and his own equally repeated admissions, that the exercise of the prohibitive right, on the part of The United States, would be altogether just, and would give no dissatisfaction whatever to Great Britain; you are nevertheless, authorized to assure him, that the President assented to this measure with great reluctance; because, however just in itself it may be, its tendencies cannot but be of an irritating character to the interests which it will immediately affect; and because his earnest desire is to remove causes of irritation, and to multiply those of a conciliatory nature between the 2 Countries. Such has manifestly been, on both sides, the effect of the equalizing and reciprocal provisions of the Convention of July, 1815; and such, he has no doubt, would be the effect of the extension of its principles to the commercial intercourse between The United States and the British Colonies in the West Indies and on this Continent; and you are authorized again to repeat the offer of treating for a fair and equitable arrangement of this interest. A further inducement for making this offer may be stated, in the expediency of looking forward, without further delay, to the expiration of the Convention of 1815, which has now little more than one year to remain in force. It is important that the commercial part of the community, both here and in Great Britain, should have timely notice of the state in which the relations between the Countries are to stand after the termination of that Convention; and, as there are other objects of moment to be adjusted, the President desires you to propose an immediate general Negotiation of a Commercial Treaty, to embrace the continuance for a further term of — years of the Convention; and also the other subjects in discussion between the 2 Governments; namely, the question concerning the Slaves; that relating to the Fisheries; the Boundary Line from the Lake of the Woods; and the Columbia River Settlement. The President prefers taking this course to that of submitting to Commissioners, at least immediately, questions upon which he thinks it probable the 2 Governments may thus, by a shorter process, come to a mutual understanding between themselves.

If, upon making this proposal, the British Government agree to this Negotiation, the President proposes, that Mr. Gallatin and you should be authorized, jointly, as Plenipotentiaries, to conclude the Treaty, which it is very desirable may be concluded in season to arrive here by the commencement of next Session of Congress, which is to on the 3rd Monday in November. Instructions will be transmitted immediately to Mr. Gallatin, to hold himself in readiness to repair to

London, upon receiving notice from you, should Plenipotentiaries be appointed to treat with you; and, besides the Instructions which formed the basis of the existing Convention and others already in your possession, further Documents will be forwarded to you as soon as possible, which may assist you in the management of the Negotiation.

We entertain hopes that this measure may result in a new Treaty, which will remove most, if not all, of the causes of dissention between us and Great Britain. The satisfaction with which we have observed the avowal of the most *liberal* commercial principles by Lord Castlereagh in Parliament, has already been noticed in my last Letter. The opening, if not of all, at least of a great portion of the Ports of South America, to the Commerce of the World, which, under every possible course of events, must be now considered as irrevocable; and the Bill which we perceive was before Parliament, for establishing Free Ports in the British American Colonies; all tend to convince us that Great Britain must see that a relaxation from her Colonial restrictions has become the unequivocal dictate of her own interest.

Mr. Rush.

JOHN QUINCY ADAMS.

No. 38.—Mr. Adams to Mr. Gallatin.

(Extract.) *Department of State, Washington, 22nd May, 1818.*

THE present state of the relations between The United States and Great Britain, has suggested to the President the expediency of proposing to the British Government the negotiation of a Treaty of Amity and Commerce, to embrace the continuance, for 8 years longer, of the Commercial Convention of the 3rd July, 1815, and to attempt the adjustment of other objects interesting to the 2 Countries, and upon which the Governments have not yet been able to come to an agreement. It is desirable that this Negotiation should take place in the course of the ensuing summer, and that its result should be transmitted here for the commencement of the next Session of Congress, fixed for the 3rd Monday of November; for, as the Convention, unless continued, will expire in July, 1819, and as it is due to the interests of the Merchants, on both sides affected by it, that early notice should be given, whether its provisions are to be continued or to cease, it appears that no time is to be lost in bringing the question of its renewal or cessation to an immediate issue. As the motives for taking up the subject thus early are operative alike upon both Parties; and as, in the event of the expiration of the Convention of July, 1815, legislative measures, preparatory to that contingency, will doubtless be necessary, as well in Parliament as in Congress, it is expected that this proposal will be acceded to by the British Government, and that Plenipotentiaries on their part will be appointed to treat with you and Mr. Rush, to whom, jointly, the President proposes to commit the trust of this Negotiation.

A Copy of the Instructions forwarded to Mr. Rush, relating to this subject, is herewith enclosed, and the President desires that you would hold yourself, accordingly, ready to repair to London, immediately upon receiving the notice from Mr. Rush that the British Government agree to the proposal, and have appointed, or are ready to appoint, Plenipotentiaries to confer and conclude with you. Your long experience and great knowledge of the subjects to be treated on, are the motives of the President for associating you in this Commission. A Full Power for the Negotiation is herewith enclosed; and further Instructions and Documents relating to it will be transmitted to Mr. Rush as soon as they can be prepared. Your necessary and reasonable expenses upon this Special Mission, will be allowed in like manner with those of a similar Mission upon which you were employed last Summer in The Netherlands.

The President is willing that the Convention of 3rd July, 1815, should be continued for 8, or even 10 years, as it stands. Its operation has indeed been, in some respects, disadvantageous to The United States, and favourable to Great Britain, owing to the revival of the interdiction of access to our Vessels to the British West India and North American Colonies, while our intercourse with them has been exclusively confined to British Vessels. Yet, that the injury to our navigation and shipping interest has not been very essential, we have many indications.

The moral effect of the equalization of Duties on both sides, in softening national asperities, has been unequivocal, and is an object of much importance, deserving to be cherished and improved by both Governments. The encouragement which the Convention has given to our trade with the British Possessions in the East Indies, is more questionable, as that trade operates upon us as a continual and embarrassing drain of specie. But as it has been a trade of profitable returns, and as it would still, to a great extent, be carried on with the Native States of India, if we should be excluded, or our intercourse should be burthened and restricted with the British Territories, the President will be satisfied to leave it as it is, and subject to the increasing competition of the British private Traders with India, which will be likely to affect the interests of the British Company more than ours.

The other interests which the President hopes may be adjusted by this Negotiation, are :

1. The intercourse with the British Colonies in the West Indies and North America. You are well acquainted with the failure of the attempt to extend the Convention of 1815 to this intercourse, at the negotiation of the Convention, and at a subsequent period, when 4 Additional Articles were proposed on the part of Great Britain, a Copy of which you have. There was reason to believe that Lord Castlereagh was personally well disposed to a more liberal expansion of the Colo-

nial intercourse, although the Cabinet was not entirely prepared for it. The manner in which he has recently avowed a liberal commercial principle in Parliament, and the approbation with which that avowal was received; the obvious though not declared bearing which those sentiments had, both upon the South American contest, and upon the relations between The United States and the British Colonies; the Free Port Acts, which we understand have been introduced into Parliament, and are even said to have passed; strongly and concurrently indicate that a change is taking place in the policy of the Cabinet on this subject; and we hope that now is precisely the favourable time for taking advantage of it. Our own Navigation Act may perhaps contribute to the same effect; and even should it operate otherwise, and confirm them in their obstinate exclusion of our Vessels from those Ports, as it will make their exclusion from ours to the same extent reciprocal, it leaves us the more free to agree to the renewal of the Convention of July, 1815, if nothing more can be obtained.

2. Indemnity to the Owners of the Slaves carried away from The United States by British Officers, after the Ratification of the Peace of Ghent, and contrary to a Stipulation in the 1st Article of that Treaty.

Copies of the Correspondence between the 2 Governments, on this subject, are in the possession of Mr. Rush. They disagree in their construction of the Stipulation alluded to, and each Party adhering to its own view of it, a proposal was made nearly 2 years since on our part to refer it to the arbitration of some friendly Sovereign. This proposal, which Mr. Rush, upon his arrival in England, renewed, has now been accepted by the British Government; but with a further proposal to refer it, and two other subjects, for arrangement, in the first instance, to Commissions like those under the IVth, Vth, VIth and VIIth Articles of the Treaty of Ghent.

3. 4. These other subjects are, the Boundary Line from the north-west corner of the Lake of the Woods, westward; which you remember was all but agreed upon, and went off upon a collateral incident at Ghent; and our *title* to the Settlement at the mouth of Columbia River.

The expediency of referring any of these questions to 2 Commissioners, one belonging to each of the 2 Countries, is very doubtful. With regard to the Slaves, and to Columbia River, it can scarcely be expected that the Commissioner of either Party would ultimately entertain an opinion different from that already pronounced by his own Government; and if concession upon one point is to be made the condition of corresponding concession upon the other, it may, with more propriety, be effected by compromise between the 2 Governments, than by judiciary powers given by them to individuals, under allegiance to the 2 Countries themselves. As to the line from the Lake of the

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Woods; as some dissatisfaction has already been excited here by the expense occasioned by the 2 Commissions already employed in settling the Boundary, another Commission to draw a line through the depth of the deserts, and to an indefinite extent, would be still more liable to censure; besides the apprehension which it might raise, that the issue of the Commission would be to bring the British Territory again in contact with the Mississippi.

5. The Fisheries.

The Correspondence between the 2 Governments on this subject leaves it still in the unsettled state in which it was left at the Peace. Two proposals have been made on the part of the British Government, neither of which proving acceptable, a counter proposal from us has been promised, and will be contained in the further detailed Instructions which will be prepared and forwarded to Mr. Rush, to assist you in the conduct of the Negotiation.

Mr. Gallatin.

JOHN QUINCY ADAMS.

No. 39.—Full Powers of Messrs. Gallatin and Rush. 22d May, 1818.

JAMES MONROE,

PRESIDENT OF THE UNITED STATES OF AMERICA:

To all whom these Presents shall concern, Greeting:

KNOW ye, that, for the purpose of perpetuating between The United States and His Britannic Majesty, the harmony and good correspondence happily subsisting between them, and of removing all grounds of dissatisfaction, and, reposing special trust and confidence in the integrity, prudence, and abilities, of Albert Gallatin, our Envoy Extraordinary and Minister Plenipotentiary at the Court of France, and of Richard Rush, our Envoy Extraordinary and Minister Plenipotentiary at the Court of the United Kingdom of Great Britain and Ireland, I have invested them with full and all manner of power and authority, for and in the name of The United States to meet and confer with any Person or Persons authorized by His Royal Highness the Prince Regent, acting in the name and behalf of His Majesty the King of the United Kingdom of Great Britain and Ireland, being furnished with like power and authority; and with him or them to agree, treat, consult, and negotiate, of and concerning the renewal of the Convention concluded at London on the 3rd of July, 1815, and concerning the general Commerce between The United States and Great Britain, and its Dominions or Dependencies, and such other matters and subjects, interesting to the 2 Nations, as may be given to them in charge; and to conclude and sign a Treaty or Treaties, Convention or Conventions, touching the premises; transmitting the same to the President of The United States for his final Ratification, by and with the advice and consent of the Senate of The United States.

In testimony whereof, I have caused the Seal of The United States to be hereunto affixed. Given under my hand, at the City [L. s.] of Washington, the 22d day of May, A.D. 1818, and of the Independence of The United States of America the 42d.

JAMES MONROE.

By the President:

JOHN QUINCY ADAMS, *Secretary of State.*

No. 40.—Mr. Adams to Mr. Rush.

(Extract.) *Department of State, Washington, 30th May, 1818.*

It is not our desire to embarrass the proposed Commercial Negotiation with any of the questions of maritime regulations adapted to a state of warfare. We do not wish that Blockade, Contraband Trade with Enemies or their Colonies, or even Impressment, should be drawn into the discussion, unless such a wish should be manifested on the British side.

Mr. Bagot has been informed that this Negotiation will be proposed, and that, in the event of its being agreed to, another Plenipotentiary will be joined with you, to confer and conclude with those who may be appointed on the part of Great Britain. He is not aware that there will be any objection to it; but if there should be any, and the British Government should determine to keep the renewal of the Commercial Convention distinct from every other subject to be arranged between the 2 Countries, you will, of course, not give the notice to Mr. Gallatin to repair to London, mentioned in my last Despatch. If the British Cabinet agree to negotiate, it is hoped that the special Instructions, to be prepared and forwarded to you, will reach you as soon as Mr. Gallatin will find it convenient to meet you in London. If the British Cabinet prefer, by a single Article, to renew the Convention of July, 1815, for a term of 8, 10, or even 12 years, or any shorter period, your Full Power, heretofore given, will be still in force, and will enable you to conclude such an Article, subject to its Ratification here, by and with the consent of the Senate.

Mr. Rush.

JOHN QUINCY ADAMS.

No. 41.—Mr. Rush to Mr. Adams.

(Extract.) *London, 26th June, 1818.*

In my interview with Lord Castlereagh, on the 11th of this month, other subjects were treated than those I have already communicated, of which it is proper that I should now give a particular account.

In the foremost rank stands Impressment. A sufficient interval having elapsed, I asked his Lordship if any answer was made upon the proposal I had submitted on the 18th of April. He replied, that he had brought it before the Cabinet, where it had been considered

with all the care which it merited. He proceeded to touch upon some of the principles and arguments to which the subject always leads. He adverted first, as connected with naturalization, to the opposite opinion which the 2 Governments held upon the doctrine of allegiance. I said, that I was aware of no opinions entertained by the Government of The United States upon that point, except such as were sanctioned by the ancient and predominant authorities of Law, as well as the general usage of Europe. He next observed, that we gave to our Ships a character of sovereignty which Great Britain did not; that we considered them part of our Territory, clothing them with corresponding immunities. I said, it was true, that we did consider our Ships quite as inviolable as the soil, in the protection which they should afford to our seamen, whether native or naturalized; but that never had we, as a neutral, claimed to shield them from entry under any of the just belligerent rights of search: that is, whether to look for Persons in the Land or Naval Service of a Co-belligerent, articles contraband of War, or Enemy's property. That these constituted the utmost limit to which the belligerent claim had ever been pushed. What we complained of was, that Great Britain, passing them all, should enter a new field, and set up a right to enforce, in our Vessels, while navigating the high seas, her own Municipal Laws. His Lordship did not view it in this light; but spoke of the claim as one being established and incontestable on the part of Great Britain. He said, it became his duty to add, that, on a full consideration of the proposal, it had not been found practicable to forego, under any conventional agreement, the execution of which was to depend upon legislative Ordinances of another Country, this right of looking for her Subjects upon the ocean, wherever she might be likely to find them.

From the broad ground of this decision it became evident, that there could no longer be any possible advantage in adhering to the course marked down in my Despatch of the 20th of April. This, it will be recollected, was, not to disclose, in the first instance, all my powers. I, therefore, risked nothing in asking his Lordship, what difference it would make if The United States would agree to exclude from service, on board both of their Ships of War and Merchant Vessels, all native-born British Subjects.

He replied, that this, indeed, would be going a step further; but that it would still leave the proposal within the principle of their objection. That the objection, in short, went to the full length of an unwillingness to concede, by Treaty, the right of entering the Vessels of a Foreign Power to look for their Subjects, whatever its terms.

I now remarked, that I heard this determination with regret, as I was ready to accede to a stipulation, on the part of my Government, bottomed on the unqualified exclusion of all Natives from both branches of our service; and I feared, also, that this would exhaust all the offers

which it had to submit. I begged that he would, in fact, consider such an offer as distinctly made; and under full authority. He promised to do so.

Every proposal which it fell within the compass of The United States to put forward being gone through, I asked, in turn, if it had occurred to his Lordship to hold out any overtures on the part of the British Government? I reiterated, in forcible terms, the assurance, that there prevailed, throughout The United States, one universal wish, with Government and People, to see removed the sources of a dispute which concerned so seriously both Nations. But I found that he was prepared with none which did not assume the right of previously entering our Ships. For the judicious and safe exercise of this right, Great Britain, he said, was willing to enter into the most effective Regulations, such as restricting the boarding Officers to those of a rank not below Lieutenants, giving responsible receipts for the men taken out, or any other safeguards which the American Government might propose, as better adapted to the end. That she would always be ready to receive, and in the most friendly manner discuss, proposals of this description, under the hope of some practicable arrangement growing out of them.

I did not hesitate to say, that The United States would never admit, by Convention, a right to enter their Vessels for such a purpose as Impressment. It would be to surrender principles which they held too sacred, besides that its exercise, however attempted to be softened, must necessarily be liable, from circumstances intrinsic and insurmountable between the 2 Nations, to perpetual and the most fatal abuse. His Lordship, while repeating the inability of Great Britain to abandon by compact her ancient right, again frankly admitted the evils of which it had been the parent, and which he hoped never to see revived. He added that it would be her anxious desire in future, hoping that the day of necessity for its actual exercise was far distant, to free it as much as possible from abuse, and that, in particular, it would be much the more sparingly brought into activity, if the American Government, by adopting, of its own accord, such legislative Ordinances as I had proposed, would thus inspire a confidence, that, at all events, but few of her Subjects would find their way into American Ships.

It will be supposed that I alluded to the unequal ground upon which such a course would place The United States. If they consented to pass Laws of this nature, it might reasonably be expected that they must see their way to an equivalent in some stipulation, on the part of Great Britain, of ascertained and positive value, and that no other would be stamped with that character but an agreement not to enter their Ships.

Although I explicitly made the proposal of a willingness not to employ in our service even her native Subjects, I did not think it right

that it should rest upon the footing of a verbal offer. The less did I think this would be prudent, from observing an inclination in his Lordship's mind, towards the close of our conversation, to consider what had passed as wearing an informal, rather than any other character, inasmuch as it had been productive of no results. I removed this impression, by new and unequivocal declarations that it was to be regarded differently. In conformity with them, I put into his hands, on the 20th of this month, the Paper marked No. 2, which accompanies this Despatch. In delivering it, I desired that he would consider it as altogether and strictly official. It was true, I said, the proposal which it embraced had already been rejected; but I knew so well the anxiety of the President upon this great point, as to feel sure that I should be more truly the organ of his will by putting it in a shape in which it might go among the archives of this Government, and would add, in the further hope, that, possibly, other views might, in other times, be taken of it. On receiving the Paper with this remark, his Lordship said he would lay it before the Cabinet on his return from Ireland, whither he was soon to go, and that, perhaps, it might be thought advisable to put in writing the objections and counter opinions of Great Britain.

In this abortive manner has the attempt ended. I have endeavored to recount, with all possible accuracy, what has transpired, and trust, that, in no material point, have I misunderstood the Communications of this Government. It places upon record another, and an earnest effort, to settle this great and formidable controversy. The failure is the more to be deplored, as the attempt has been made during a season of profound peace, and when the 2 Governments seem well disposed towards each other. The United States have again done all that they could towards allaying it. They declare that they want not British Seamen in their Vessels. They engage to exclude them by all the means that human Laws can devise. In a spirit of extreme conciliation, they go farther in their offers than the obligations of co-equal sovereignty, or the policy and habits of their internal system, might, in the judgment of all, be thought to dictate. Whilst they concede so much, Britain will yield nothing. She remains rigid and inexorable. She will not meet half way. She will not turn a step from her course. To an alleged right, but which has often been demonstrated to be utterly without support, in any one principle that the society of Nations has ever recognised—unless the dicta of English common-lawyers make up the great and universal Code of public Law—does she continue to cling, in the mere ambitious and wilful reliance upon an unchecked career in her naval supremacy. It is upon such foundations that she virtually threatens the indefinite continuance of a practice more afflicting to humanity, as far as the scale extends, than was ever the African Slave trade, and in the highest degree insulting to the rights and dignity of an independent and powerful Nation.

The subject of Impressment being, I fear, finally disposed of, as one of negotiation between the 2 Governments, Lord Castlereagh next reminded me, that it was now little more than a twelvemonth from the time fixed for the expiration of the Commercial Convention of 1815. He asked if I knew the views of my Government, in regard to its renewal. I replied that at present I did not, with precision. He requested that I would consider his question as intended to draw my attention especially to the subject, and expressed some anxiety to have information at as early a day as convenient.

I anticipate the probability of the expression of some sentiments to me, from the Department, in the course of the present summer, in relation to this Convention. How far our Act, bearing upon their Colonies, is to operate on the question of renewal, or if objectionable in its existing provisions, in what respects modifications are to be insisted upon, are points on which I am not instructed. I am aware that it is already made my duty to obtain and transmit information upon which, perhaps, a final opinion on the merits of the Convention was expected, in part, to rest. Of this duty, I have not been unmindful. But it is proper I should state, that my efforts, for reasons that will be explained in a future Despatch, do not promise so much success as I had hoped. Besides inquiries among individual Merchants, wherever it has come within my power to make them, I addressed, in March, a Letter to each one of our Consuls within the European Dominions of this Country. Answers are, from time to time, dropping in; but neither from them, and still less from my personal inquiries, is it likely that I shall derive information, either so full or so accurate, on the effects of the cessation of all discriminating duties, as to be of any decisive or even great account in making up a judgment. In the next place, although I will take care that what I do obtain is transmitted in time for the Session of Congress, in November, the period which my Instructions seem to contemplate, it would be desirable, I am sure, to this Government, to be furnished sooner, if possible, with an intimation of the intentions of ours, in relation to this compact.

If it is to be suffered to run out without renewal, Great Britain, having positively declined forming a Treaty with us which shall include her Colonies, upon what footing are the Commercial Relations of the 2 Countries to stand? Will each be left to its own Regulations, as sometimes heretofore, or is any substitute to be proposed? These are points on which I should feel happy to receive information, whenever it may be thought fit to impart it.

The Hon. J. Q. Adams.

RICHARD RUSH.

No. 42.—Mr. Rush to Mr. Adams.

(Extract.)

London, 25th July, 1818.

I ENTERED next upon the subject of the Commercial Relations

between the 2 Countries. Remarking upon the change produced in them by the Prohibitory Act of the last Session of Congress, now soon to commence its operation, I observed that I had it in charge to say, that the President had yielded his assent to that Act with reluctance; for that, however just, its tendencies might be of an irritating nature to the individual interests that it would affect on both sides, whilst it was his constant desire to give efficacy to measures, mutually more beneficial and conciliatory. It was, therefore, that I was once more authorized and instructed to propose to this Government the Negotiation of a General Treaty of Commerce. That the President had, besides, agreed that there should be comprehended in the Negotiation other matters heretofore desired to be treated of, by this Government, as well as points in which the Government of The United States took a particular interest; being in the whole,—1. The question respecting the Slaves carried off from The United States, in contravention, as alleged, of the Treaty of Ghent. 2. The question of title to the Settlement at the mouth of Columbia River. 3. The question of the Northwestern Boundary Line, from the Lake of the Woods; and, 4th, That of the Fisheries. Upon these topics, the President, I added, preferred treating in a direct way, in the first instance, in the hope that the 2 Governments might arrive at a just understanding, without resorting to Commissioners; and that, if this Government was prepared to go into all of them, including, especially, a General Treaty of Commerce, another Plenipotentiary had been contingently appointed on the part of The United States, to meet, with me, any two that might be designated on the part of Great Britain.

His Lordship asked what he was to understand by a General Treaty of Commerce. I replied, a Treaty that should lay open not a temporary, or precarious, but a permanent intercourse with their West India Islands and North American Colonies, to the Shipping of The United States, as often before proposed; but which, after the recent refusals, it might seem almost unnecessary again to bring into view, were it not that other objects, of interest to both Nations, were now associated with it in a way to clothe the proposition with a new aspect.

He answered, that the British Government would certainly be willing to enter upon a Negotiation on the commercial relations of the 2 Countries, but that he had no authority to say that the colonial system could be essentially altered; broken down it could not be. I said, that if it was not to be departed from, or in no further degree than the 4 Articles had imported, as those Articles had already been rejected, it did not appear to me that any advantage would be likely to arise from going into the Negotiation. He replied, that he was not prepared to answer, definitively, upon all, or any of the points, but would lay them before the Cabinet, and let me know the result. He professed, earnestly, in the course of the conversation, the desire which

this Government had to see the commerce of the 2 Countries stand upon the best footing of intercourse, the stake to each being so great, and promising, with the growth of The United States, to be so much greater.

In the event of a Negotiation, upon the grounds I had explained, not being opened, he asked if I could inform him what the intentions of my Government were, relative to the commercial intercourse between the Countries; it being, for obvious reasons, desirable soon to know.

Here I did not hesitate to announce that, in such an event, which I still hoped would not be the case, it was willing simply to renew the existing Convention of 1815, thus keeping this Instrument distinct from all other questions of a commercial nature, if the British Government preferred it. This communication, I thought, he received with evident satisfaction. He remarked, that it would rescue the commercial relations from all danger of a chasm, and made known, in immediate reply, the readiness of his Government to acquiesce in such a course.

On the 22d I received a Note from him, requesting to see me again at the Foreign Office on the 23d. I was there accordingly. Mr. Robinson, who is now a Member of the Cabinet, as well as President of the Board of Trade, was present. It was the first occasion upon which any third person had been associated with Lord Castlereagh, at any of our official interviews.

His Lordship commenced by saying, that he had laid my proposals before the Cabinet, and that it had been agreed to enter upon the general Negotiation; that is, one which should embrace all the points I had stated. In relation to the great commercial question, he begged I would understand, that the British Government did not pledge itself beforehand to a departure from its colonial system, in a degree beyond what it had already offered; but that it was sincerely desirous to make the attempt, and unequivocally wished to bring the whole commercial relations of the 2 Countries into view, willing to hope, though abstaining from promises, that some modification of that system, mutually beneficial, might be the result of frank and full discussions renewed at the present juncture. I replied, that I knew my Government would hear this determination with great satisfaction. That it would cordially join in the hope, that the new effort might be productive of advantage to both Countries, and strengthen the ties of good intercourse that should unite them.

I now informed him that Mr. Gallatin, the present Minister from The United States at Paris, would take part in the Negotiation, and would come over to London as soon as it would be convenient to say that Plenipotentiaries would be appointed on the part of Great Britain. He said, the sooner the better; and that Mr. Robinson and Mr. Goulburn would be named to treat with us. His Lordship said, that he himself would be obliged to set out for the Continent to attend the

European Congress, by the 20th or 25th of next month, but that the Negotiation could go on in his absence. He intimated a wish, however, that it might open, if practicable, before he went away. I answered, that all the necessary Powers and Instructions, from our Government, had not yet reached us, but that we were in daily expectation of them.

He next asked whether, in order to guard against all possible delays that might be incident to the general Negotiation, which was to embrace so many points, I was prepared to agree, at once, to a renewal of the Convention of 1815, for a term of years to be agreed on; declaring that the British Government was ready, at any moment, to concur in such agreement.

I answered, without reserve, that I was already in possession of a Full Power to this effect, which, independently of other objects, might be carried into execution.

I wrote, yesterday, to Mr. Gallatin, to apprise him of the necessity of coming over, the contingency which was to bring him having happened. From the Answer I have received to my Letter to him of the 2d of this month, I think it probable that he will be here in 3 weeks, or sooner, so that if our Full Powers arrive, the Negotiation may be opened before Lord Castlereagh's departure. Should Mr. Gallatin concur, we will make the renewal of the Convention for 8, 10, or 12 years, our first act. This, I hope, the President will approve. The reasons that operate with me are: 1. It will not only provide against delays, but all uncertainties in the result, of the possibility of which we are forewarned, simultaneously with the desire expressed to enter the field of Negotiation. It is not only important that there should be no chasm in the commercial relations between the Countries, but equally so that our Merchants should have timely notice that there will be none. 2. Every inquiry that I have made among Merchants from The United States, with whom I have been able to confer in this City, has produced the most unequivocal opinions, that this Convention is working well for us, which entirely falls in with the Communications I have received from the Department. 3. Taking this for the fact, it seems naturally to follow, that it is our part to consent to the renewal the moment Britain says she will, lest the day should go by. On this head I will just state, that I have heard through a respectable source, that there are already some British Ship-owners in Liverpool, who talk of petitioning their Government against its renewal. Lastly, my power to renew seems to me, from your Despatch of the 30th of May, to be complete, nor will its exercise thwart, in any degree, our prospects of a more enlarged Treaty under the general Negotiation.

The Hon. J. Q. Adams.

RICHARD RUSH.

No. 43.—Mr. Adams to Messrs. Gallatin and Rush.

(Extract.) *Department of State, Washington, 28th July, 1818.*

IN the expectation that the Government of Great Britain have accepted the proposal which Mr. Rush was instructed to make, for negotiating a Treaty of Commerce, embracing the continuance of the Convention of 3rd July, 1815, for an additional term of years, and including other objects of interest to the 2 Nations, I have now the honour of transmitting to you the President's Instructions to you for the conduct of the Negotiation.

With regard to the Commercial Convention of 3rd July, 1815, you have already been informed that the President is willing that it should be continued without alteration for a further term of 8 or 10 years. We had flattered ourselves, from the liberal sentiments expressed by Lord Castlereagh in Parliament, and from various other indications, that the British Cabinet would have been now prepared to extend the principles of the Convention to our commercial intercourse with their Colonies in the West Indies and North America; but, from the report of 2 conferences between Mr. Rush and Lord Castlereagh, since received, it appears that our anticipations had been too sanguine, and that, with regard to our admission into their Colonies, they still cling to the system of exclusive colonial monopoly.

Our Navigation Act, passed at the last Session of Congress, is well calculated to bring this system to a test by which it has not hitherto been tried; and if the experiment must be made complete, so that the event shall prove to demonstration which of the 2 Countries can best stand this opposition of counter exclusions, The United States are prepared to abide by the result. Still we should prefer to remove them at once, if for no other reason than that it would have a tendency to promote good humour between the 2 Countries. We wish you to urge this argument upon the British Cabinet; to remind them of the principles avowed by Lord Castlereagh in Parliament, to which I have before referred, and of their precise bearing upon this question. It may also be proper to suggest, that, while Great Britain is pressing upon Spain the abandonment of her commercial monopoly throughout the Continent of South America, her recommendation must necessarily gain great additional weight by setting the example with her own Colonies, while at the same time her own interest in her monopoly must be reduced to an object too trifling for national consideration, when the Spanish Colonies shall be open to the commerce of the World. Finally, it may be observed, that the Free-Port Act, passed at the late Session of Parliament, goes already so far towards the abandonment of their system, that it can scarcely be perceived why they should adhere to the remnant of it any longer. Other arguments may occur to your own reflections, and result from your thorough knowledge of the subject; you will urge them with earnestness, though

giving it always to be understood that we shall acquiesce in their ultimate determination.

Whenever this subject has been presented to the British Cabinet, since the Peace, their only objection to the proposals and arguments of The United States has been, that their system has been long established. Lord Castlereagh has invariably acknowledged his own doubts whether it was wise, or really advantageous to Great Britain; but placed the determination to preserve it upon the single ground of its having long existed. Whatever weight there is in this reasoning, it would bear in favour of all those other exclusions which he congratulated Parliament and the Country at having been abolished, as much as in support of this. It is the argument of all existing abuse against reformation; of mere fact against reason and justice. The commercial intercourse between The United States and the West Indies is founded upon mutual wants and upon mutual convenience; upon their relative geographical position; upon the nature of their respective productions; upon the necessities of the climate; and upon the convulsions of nature. When the British Ministry say,—against all this our ancestors established a system, and therefore we must maintain it; we may reply, if your ancestors established a system in defiance of the laws of nature, it is your interest and your duty to abolish it. But who can overlook or be blind to the changes of circumstances since the establishment of the system; to the irresistible consequences of the establishment and growth of The United States as an independent Power; to the expulsion of the French from St. Domingo; to the revolution in progress in the South American Provinces? Every system established upon a condition of things essentially transient and temporary, must be accommodated to the changes produced by time.

Besides the Free-Port Act, a printed Copy of which has now been received from Mr. Rush, and which, we find, is limited to Ports specially to be appointed by the Crown, in the Provinces of Nova Scotia and New Brunswick, we have seen in the public Journals, a Bill for permitting a certain trade between the British West Indies and *any Colony or Possession in the West Indies, or on the Continent of America, under the dominion of any Foreign EUROPEAN Sovereign or State*. This measure appears intended to counteract the effects of our late Navigation Act, and gives further manifestation of the adherence of the British Government to their colonial exclusions. It is the President's desire that nothing should be omitted which can have the tendency to convince them, that a change would promote the best interests of both Countries, as well as the harmony between them. Should your efforts prove ineffectual, we can only wait the result of the counteracting measures to which we have resorted, or which may be found necessary hereafter.

In carrying the Convention of 3d July, 1815, into execution, the

British Government have sanctioned the practice, with regard to some of the foreign tonnage duties ; first, to levy them, as if the Convention were not in force ; and then, upon petition of the persons interested, to have them returned. If this practice cannot be given up altogether, it will be necessary that some regulation should be adopted, by which the extra duties shall be returned, of course ; and without putting the parties to the trouble, and expense, and delay, of obtaining it by petition. At present, unless the petition is presented, the duties are not returned. It happens sometimes, that Masters of Vessels pay the duties, without knowing that they are entitled to have them returned ; in which case, they are lost to them, or their Owners. It will be proper, therefore, to require the adoption of some general regulation, in virtue of which it shall be made the duty of the Officers of the Customs to repay the extra duties, in all cases in which they shall have been levied, without exposing the individual to lose his right by his own ignorance, or by the negligence or infidelity of his Consignee.

2. *Slaves.*—The British Government have accepted the proposal of referring to the decision of some friendly Sovereign, or State, the question concerning the Slaves carried away from The United States, by British Officers, after the Ratification of the Peace. They propose, however, a previous reference of it to 2 Commissioners, appointed like those under the IVth, Vth, VIth and VIIth Articles of the Treaty of Ghent, and to proceed with similar Powers ; and committing to the same Commissioners the power of fixing, definitively, the Boundary between The United States and the Possessions of Great Britain, westward, from the northwest corner of the Lake of the Woods ; and of pronouncing upon the Right of The United States to the Settlement on the shores of the Pacific Ocean, at the mouth of Columbia River. These objects are so entirely different from one another ; the principles, the character of the evidence, and the reasoning, which must lead to the result, are so disconnected and incongruous, that, if submitted at all to Commissioners, it is obviously proper to refer them to different Commissions. The question concerning the Slaves is a question of construction upon the terms of the 1st Article of the Treaty ; and the 2 Governments having already discussed it, each, after discussion, adhering to its own opinion, there is little prospect that either of the Commissioners will come to a conclusion different from that of his own Government. The present offer of the British Government, connecting it with another question of Boundary, bears the appearance of a disposition to make it an affair of compromise, and that they are willing to concede something to us on one of the points, upon condition of a concession from us upon the other. If this be their object, these mutual concessions may be made with more convenience by direct and immediate agreement between the 2 Go-

vernments, and by an Article of the Treaty, than by the means of Commissioners, whose functions are rather of the judicial than the ministerial character, and whose duties are to decide, and not to compromise.

3. *Boundary, from the Lake of the Woods, westward.*—By the II^d. Article of the Treaty of Peace of 1783, the Boundaries of The United States, after having been traced from the northwest angle of Nova Scotia to the most northwestern point of the Lake of the Woods, are pursued “from thence, on a *due west* course to the *River Mississippi*; thence, by a line to be drawn along the middle of the said River Mississippi, until it shall intersect the northernmost part of the 31st. degree of north latitude.”

By the IVth Article of the Treaty of 1794, it was declared to be uncertain whether the River Mississippi extended so far to the northward as to be intersected by a line due west from the Lake of the Woods; and a joint survey of the river, from one degree below the Falls of St. Anthony to the principal sources of the said river, and of the parts adjacent thereto, was stipulated; and if, on the result of the survey, it appeared that the River would not be intersected by the line, the Parties were to regulate the Boundary Line by amicable Negotiation, according to justice and mutual convenience, and in conformity to the intent of the Treaty. This joint survey never took effect.

By a Convention, signed on the 12th of May, 1803, by Mr. King and Lord Hawkesbury, but which was not ratified, it was agreed that the Boundary should be by a line from the northwest corner of the Lake of the Woods, by the shortest line, until it touched the River Mississippi. Until then, the Mississippi river had been the western Boundary of The United States. The cession of Louisiana gave them a new and extensive Territory westward of that river.

In the Negotiation of 1807, between Messrs. Monroe and W. Pinkney, and the Lords Holland and Auckland, there were 3 successive Drafts of Articles for the settlement of this Boundary. The first proposed, on the British side, was a line due west from the Lake of the Woods, along the 49th parallel of north latitude, as far as the Territories of The United States extend in that quarter, and the line, *to that extent*, was to form the Boundary; with a proviso, that the Article should not be construed to extend to the northwest Coast of America, or to Territories westward of the Stoney Mountains.

The second proposed, on the part of The United States, took a line due north or south, as the case might be, from the most northwestern point of the Lake of the Woods, until it shall intersect the 49th parallel of north latitude, and then, due west, along that parallel, for the Boundary between the Territories of the Parties; with the proviso, excluding the northwest Coast, and all Territories westward of the Stoney Mountains.

The 3rd was agreed to by both Parties; and varied from the 2nd only by an additional Clause, purporting, that this should be the Boundary, *as far as the respective Territories of the Parties extend in that quarter.*

That Convention was not ultimately concluded. At the negotiation of the Peace of Ghent, the 8th Article of the 1st Projet presented by the American Plenipotentiaries was a transcript from this Article last above mentioned; and the Article proposed by the British Plenipotentiaries, on returning the Projet, was the same as that which had been first proposed by Lords Holland and Auckland, with an additional paragraph stipulating free access to British Subjects through the Territories of The United States to the Mississippi, and the free navigation of that River. In the Conferences that ensued, the substance of the Article, so far as regarded the Boundary, was agreed to on both sides: but, as the American Plenipotentiaries could not accede to the additional Paragraph, the Article was finally altogether omitted.

From the earnestness with which the British Government now return to the object of fixing this Boundary, there is reason to believe, that they have some other purpose connected with it which they do not avow; but which, in their estimation, gives it an importance not belonging to it considered in itself. An attempt was at first made by them at the Negotiation at Ghent, to draw the Boundary Line from Lake Superior to the Mississippi; but, as they afterwards not only abandoned that pretension, but gave up even the pretension to an Article renewing their right to the Navigation of the Mississippi, it was to have been expected they would thenceforth have considered this western Boundary of no importance to them. The new pretension, however, of disputing our Title to the Settlement at the mouth of Columbia River, either indicates a design, on their part, to encroach, by new Establishments of their own, upon the 49th parallel of latitude, south of which they can have no valid claim upon this Continent; or, it manifests a jealousy of The United States,—a desire to check the progress of our Settlements, of which it might have been supposed that experience would, before this day, have relieved them. Their projects for the Line, both in the Negotiation of Messrs. Monroe and Pinkney, in 1806, and at Ghent, in 1814, were to take the 49th parallel of latitude, from the Lake of the Woods, west, as far as the Territories of *The United States* extend in that direction, with a caveat against its extension to the South Sea; or, beyond the Stoney Mountains, upon which 2 observations are to be made; first, that it is uncertain whether any part of the Lake of the Woods is in latitude 49°; and secondly, that they always affected to apply the indefinite Limit of extension "*as far as the Territories extend,*" to the Territories of The United States, and not to those of Great Britain; leaving a nest-egg for future pretensions, on their part, south of latitude 49°. The counter projects

for the line, on our part, therefore, at both those Negotiations, were, from the northwest corner of the Lake of the Woods, the point already fixed and undisputed—a line due north or south, as the case may be, to the 49th parallel of latitude, and thence, along that parallel, due west, as far as the Territories of *both Parties* extend in that direction—and adopting the caveat against extension to the Pacific, or beyond the Stoney Mountains.

4. *Settlement at the Mouth of Columbia River.*—From the late Correspondence with the Spanish Minister, Onis, it appears, that the claim of Spain, upon the shores of the South Sea, extends to the 56th degree of north latitude; but there is a Russian Settlement in 55°, besides a temporary lodgment connected with it, as far south as 42°. The pretensions of the British Government may, on this occasion, be disclosed. We know not precisely what they are; nor have they explained the grounds, or the motives, upon which they contest our right to the Settlement called Astoria, formed before the late War; and broken up by the British Sloop of War, *Raccoon*, in the course of it. The Papers enclosed, marked from A to I, contain all the information material to the subject, possessed by this Department. It appears that, at the time when the American Settlement was broken up during the War, the property was purchased by certain Agents of the British Northwest Company: this, however, could, in no manner, divest The United States of their jurisdiction. As the British Government admit, explicitly, their obligation, under the 1st Article of the Treaty of Ghent, to restore the Post, there can be no question with regard to the right of The United States to resume it. We do not perceive how, or why, this question should be referred to 2 Commissioners of the respective Nations; and, as Russia herself has pretensions on that Coast, it deserves the consideration of both parties, whether the ultimate determination, in the almost unavoidable case of a difference between the Commissioners could, with propriety, be referred to her Sovereign. Mr. Rush has been instructed, in the event of a final difference between the Commissioners, under the existing Commissions, to propose the Emperor of Russia, as the Sovereign to whose decision the reference, stipulated on that contingency in the Treaty, should be made. It cannot be doubted that he was the Sovereign contemplated by both Parties at the time when the Treaty was concluded; and it might be difficult to designate any other in whom the confidence of both Parties would be so strong and clear as to secure their cordial acquiescence in his decision.

The expedient itself, of submitting questions of Territorial Rights and Boundaries in discussion between 2 Nations, to the decision of a third, was unusual, if not entirely new; and should the contingency occur, will probably encounter difficulties of execution, not foreseen at the time when the stipulation was made of resorting to it. The subjects in controversy are of a nature too intricate and complicated,

requiring, on the part of the Arbitrator, a patience of investigation and research, historical, political, legal, geographical, and astronomical, for which it is impossible to conceive that the Sovereign of a great Empire could *personally* bestow the time.

These ideas are suggested with a view to recommend the attempt, rather to come to an agreement between the Parties themselves, upon all objects which have not been thoroughly discussed between them, than to cast their difficulties upon Commissioners who can scarcely be expected to agree concerning them, and then upon a foreign Sovereign, of whose personal integrity no doubt can be entertained, but who cannot have leisure to sift the subjects in dispute to the bottom.

On the whole, the President will be well satisfied if these three objects;—of Indemnity for the Slaves carried away;—of the western Boundary from the Lake of the Woods;—and of the Settlement at the mouth of Columbia River;—can be adjusted by this Negotiation, rather than referred to Commissioners, which must be expensive, and so constituted as to make it at least probable that they will decide nothing, and then to a friendly Sovereign, still at great expense, and other inconveniences to both Parties. With regard to the Slaves, the question which it was proposed should be submitted to the decision of an impartial Arbitrator, was merely on the construction of one paragraph in an Article of the Treaty of Ghent. This was so simple, and requiring so little research or investigation of any kind, that it might have been decided immediately by the Sovereign himself, upon an inspection of the Article, and a short statement of the facts to which both Parties would have agreed. But the delineation of an unsettled Boundary, across the western deserts of this Continent; the title to Establishments on the Pacific Ocean, where the Arbitrator himself is not without his pretensions; and where, save pretensions, there is no object to any Party worth contending for; to create burdensome Commissions, and make solemn references to a foreign Sovereign for these, appears scarcely necessary, if altogether justifiable. As to the line from the Lake of the Woods, you are authorized to agree to that which was agreed upon by the Plenipotentiaries on both sides, in 1807; but not to any line which would bring the British in contact with the Mississippi; nor to any thing which would authorize the British to trade with Indians within the boundaries of The United States. Of the inconveniences of allowing such trade, even by licenses, a recent instance has occurred, Copies of the Papers relating to which are transmitted to you.

5. *Fisheries.*—The proceedings, deliberations, and communications, upon this subject, which took place at the Negotiation of Ghent, will be fresh in the remembrance of Mr. Gallatin. Mr. Rush possesses Copies of the Correspondence with the British Government, relating [1819—20.]

to it, after the conclusion of the Peace, and of that which has passed here between Mr. Bagot and this Government. Copies of several Letters received by Members of Congress during the late Session, from the parts of the Country most deeply interested in the Fisheries, are now transmitted.

The President authorizes you to agree to an Article, whereby The United States will desist from the liberty of fishing and curing and drying fish within the British Jurisdiction *generally*, upon condition that it shall be secured as a permanent right, *not liable to be* impaired by any future War, from Cape Ray to the Ramian Islands, and from Mount Joli, on the Labrador Coast, through the Strait of Belle Isle, indefinitely, north, along the Coast; the right to extend as well to curing and drying the fish, as to fishing.

By the Decree of the Judge of the Vice-Admiralty Court at Halifax, on the 29th of August last, in the case of several American Fishing Vessels which had been captured and sent into that Port, a Copy of which is also now transmitted to you, it appears that all those captures have been *illegal*. An Appeal from this Decree was entered by the Captors to the Appellate Court in England, and the Owners of the captured Vessels were obliged to give Bonds to stand the issue of the Appeal. Mr. Rush was instructed to employ suitable Counsel for these Cases, if the Appeals should be entered, and, as we have been informed by him, has accordingly done so. If you do not succeed in agreeing upon an Article on this subject, it will be desirable that the question *upon the right* should be solemnly argued before the Lords of Appeals: and that Counsel of the first eminence should be employed in it. Judge Wallace agreed with the Advocate-General, that the late War completely dissolved every right of the People of The United States acquired by the Treaty of 1783. But it does not appear that this question had been argued before him, and the contrary opinion is not to be surrendered on the part of The United States, upon the *dictum* of a Vice-Admiralty Court. Besides this, we claim the rights in question not *as acquired* by the Treaty of 1783, but as having always before enjoyed them, and as only recognized as belonging to us by that Treaty, and therefore never to be divested from us but by our own consent. Judge Wallace, however, explicitly says, that he does not see how he can condemn these Vessels without *an Act of Parliament*. And whoever knows any thing of the English Constitution, must see that on this point he is unquestionably right. He says, indeed, something about an Order in Council, but it is very clear that would not answer. It is a question of forfeiture for a violated *Territorial* Jurisdiction: which forfeiture can be incurred, not by the Law of Nations, but only by the *Law of the Land*—there is obviously no such Law.

The argument which has been so long and so ably maintained by

Mr. Reeves, that the rights of *antenati*-Americans, as British Subjects, even within the Kingdom of Great Britain, have never been divested from them, because there has been no Act of Parliament to declare it, applies, in its fullest force, to this case; and, connected with the Article in the Treaty of 1783, by which this particular right was recognized, confirmed, and placed out of the reach of an Act of Parliament, corroborates the argument in our favour. How far it may be proper and advisable to use these suggestions in your Negotiation, must be left to your sound discretion; but they are thrown out with the hope, that you will pursue the investigation of the important questions of British Law involved in this interest; and that every possible advantage may be taken of them, preparatory for the trial before the Lords of Appeal, if the case should ultimately come to their decision. The British Government may be well assured, that not a particle of these rights will be finally yielded by The United States without a struggle, which will cost Great Britain more than the worth of the prize.

These are the subjects to which the President is willing that your Negotiation should be confined. With regard to the others of a general nature, and relating to the respective rights of the 2 Nations in times of maritime War, you are authorized to treat of them, and to conclude concerning them, conformably to the Instructions already in possession of Mr. Rush; or, if the difficulty of agreeing upon the principles should continue as great as it has been hitherto, you may omit them altogether.

You will not fail to transmit, by Duplicates, the result of your Conferences at as early a period as may be found practicable.

Messrs. Gallatin and Rush.

JOHN QUINCY ADAMS.

No. 44.—Mr. Adams to Mr. Gallatin.

(Extract.) *Department of State, Washington, 29th July, 1818.*

THIS Letter is merely to request you, in case the British Government should have accepted the proposal for that Negotiation, and if you should be still in Paris when you receive it, to repair without delay to London, for the purpose of entering upon the Negotiation. It is hoped you will be able to finish it, and to transmit the result here for the meeting of Congress on the 3rd Monday in November.

Mr. Gallatin.

JOHN QUINCY ADAMS.

No. 45.—Mr. Rush to Mr. Adams.

(Extract.) *London, 13th August, 1818.*

ON the day before yesterday I received a Letter from Mr. Gallatin, dated the 6th of this month. He informs me that the Full Powers have got to hand, and that he expects to be here on the 16th.

The prospect of opening the Negotiation before the departure of

Lord Castlereagh, seems therefore now to be good. I went yesterday to the Foreign Office, to request that the proper Orders may be expedited to Dover for the entrance of Mr. Gallatin, his family and baggage, into the Kingdom, without molestation or delay.

The Hon. J. Q. Adams.

RICHARD RUSH.

No. 46.—Mr. Rush to Mr. Adams.

(Extract.)

London, 15th August, 1818.

On the evening of the 13th I received a Note from Lord Castlereagh, requesting me to call at the Foreign Office yesterday at 4 o'clock. I went accordingly, when a conversation took place, which I proceed to relate.

The ostensible object of the interview was to say to me, that some circumstances would prevent the Congress assembling at Aix-la-Chapelle earlier than the 20th of September, which would make it unnecessary for him to go away quite as soon as he had originally contemplated. He was glad of this, he added, as it would insure to him an opportunity of being present here when the Negotiation, so soon to take place between the 2 Countries, commenced. I informed him of our Full Powers having been received, and of the expectation I now had of Mr. Gallatin's arrival in a day or two. He subjoined a few words, as to the formal manner in which it appeared to him best that the Negotiation should move along, and also to apprise me, that, although he expected to go into the country to-morrow, he would be in town again on the 25th. Here this part of the conversation closed.

He next surprised me agreeably by reviving the subject of Impressment, which I thought had been blotted out from our Conferences. He began by premising that what he was going to say was confidential, and, for the present, without the knowledge of his Colleagues in the Administration. That he had reflected much, and anxiously, upon my late proposals, which it was true had, as they now stood, been rejected. But feeling anew the importance of this subject to the future harmony of the 2 Countries, and willing, if possible, not to let it be shut out from the general Negotiation upon the eve of opening, it had occurred to him to offer some suggestions in relation to it, barely to see how they struck my mind, and know if there would be a motive to pursue them. He went on to say, that his own impression was, protesting that, as yet, he was not authorized to say it was that of his Government, that the proposals might be rendered acceptable by some modifications very important to Great Britain, and not at all so, as he supposed, to the primary object in view by The United States. The modifications were these:

1. That any Treaty or Convention, built up upon the proposals as I had submitted them, should be limited in duration; say to 8, 10, or 12 years, with liberty to each Party to be absolved from its stipula-

tions, on a notice of 3 or 6 months; as in the late arrangement respecting the reciprocal dismantlement of naval armaments upon the Lakes.

2. That the British Boarding Officer, entering American Ships at sea, for a purpose justified under the Laws of Nations, should have the liberty of calling for the List of the Crew; and, if he saw a Seaman known to him, or on good grounds suspected to be an Englishman, that he should have the further privilege of making a record, or *procès verbal*, of the fact, in such way as to have the case distinctly brought under the notice of our Government, though by no means withdrawing the man from the Ship.

The latter regulation, his Lordship observed, would operate as a further incentive to the faithful execution of our home prohibitions for excluding British Subjects from our Vessels; and the former, guard against any irrevocable relinquishments by Great Britain, which the opinions, or even prejudices of the Country might not, upon trial, be found to bear.

I naturally infer that this Government, reviewing its late decision, and seeing, at last, the unexceptionable and perfect fairness of the offers of The United States, has made up its mind to abandon, in effect, the great principle, or, at least, practice, to which, with an injustice so tenacious, it has long clung;—that of forcing the men from under the sacred cover of our Flag; and that ground has been broken in the above interview, to the consummation of a change so auspicious in the Councils of this Nation. The first modification seems to me unobjectionable. The second is open to considerations which I do not at all like; yet it comes as a first suggestion, and we may therefore hope to get rid of it altogether. As Mr. Gallatin will be here so soon, I forbore to offer to his Lordship any opinion, not feeling myself now at liberty to speak upon the subject singly; but joining, nevertheless, in the renewed anxiety to see it brought within the pale of our approaching discussions, and stating that I thought fair ground was laid for its admission. I take leave of the subject, therefore, until my endeavors, jointly with those of Mr. Gallatin, shall be resumed upon it, having been first led to this communication for the President's early information on a question of so much interest. My Despatch of the 26th of June will show that some intimation was thrown out at that time, of an intention on the part of this Government, to give, in writing, its objections to our propositions; instead of which more just views of them would happily seem to have risen up.

The Hon. J. Q. Adams.

RICHARD RUSH.

No. 47.—Mr. Rush to Mr. Adams.

(Extract)

London, 28th August, 1818,

MR. GALLATIN got here on the 16th of this month. On the following day, I addressed a Note to Lord Castlereagh, announcing

his arrival. His Lordship was at his country seat, 13 miles from London, but invited us to an informal Conference there on the 22d. We went accordingly, and remained all night. Nothing could have been more cordial than the reception given to us. Mr. Robinson and Mr. Goulburn were present. The several subjects of the Negotiation were talked over in general terms, and in a spirit which, we think, promises well for the friendly manner in which, at all events, it will be conducted.

The Full Powers of Mr. Robinson and Mr. Goulburn having, in the mean time, been made out, our first official meeting took place yesterday, at the Office of the Board of Trade. Nothing of importance passed, beyond a recapitulation of the points which the 2 Governments desire to bring into discussion, and some attempts to settle the order in which the Negotiation should proceed. The points consist of all such as have been given in charge to us, and which have been heretofore mentioned in my Despatches, including Impressment, and other maritime questions incident to a state of War.

I content myself at present with stating, thus generally, for the President's information, that the Negotiation has opened. What relates to its progress, will, I presume, no longer be expected from me singly, but in joint Communications with Mr. Gallatin.

I ought not to omit to mention that the point of Impressment was brought forward by Lord Castlereagh, at the first interview, held at his house on the 22d. The next meeting takes place To-morrow.

There are some of the points which must stand still until we are in possession of our further Instructions.

The Hon. J. Q. Adams.

RICHARD RUSH.

No. 48.—Mr. Rush to Mr. Adams.

(Extract.)

London, 12th October, 1818.

AT the joint Meeting which took place on the 9th, nothing decisive was determined upon. Premising that no opinion which I give at this stage of the Negotiation must be taken as at all binding, I will barely say, that I think the prospect of coming to any agreement on an Article regulating our trade with the West Indies, grows more and more faint. We are to have another Conference To-morrow.

The Hon. J. Q. Adams.

RICHARD RUSH.

No. 49.—Mr. Rush to Mr. Adams.

(Extract.)

London, 19th October, 1818.

I HASTEN to communicate to you, for the information of the President, that, at a Conference we have this day had with the British Plenipotentiaries, from which I have just returned, it has been agreed to conclude a Treaty, comprehending an arrangement of the following points:

1st. The Fisheries. 2d. The Northwestern Boundary Line. 3d. That about Columbia River. 4th. The question of Slaves; and 5th. A renewal. for 10 years, of the present Commercial Convention.

The Treaty will probably be reduced to form and signed To-morrow.
The Hon. J. Q. Adams. RICHARD RUSH.

No. 50.—*Messrs. Gallatin and Rush to Mr. Adams.*

(Extract.)

London, 20th October, 1818.

WE have the honor to transmit a Convention, which we concluded this day with the British Plenipotentiaries.

Lord Castlereagh having expressed a wish that the Negotiations might be opened before his departure for Aix-la-Chapelle, Mr. Gallatin left Paris as soon as he had received our Full Powers, and arrived here on the 16th of August. Our joint Instructions, contained in your Despatch of the 28th of July, did not, however, reach us till the 3d of September. We had long conversations with Lord Castlereagh, at his country seat, on the 22d and 23d of August, but could not, owing to our Instructions not having arrived, discuss with him the questions of the Fisheries, and of the West India intercourse. He left London on the 1st of September. The official Conferences had begun on the 27th of August, and for the progress of the Negotiation, we beg leave to refer to the enclosed Copies of the Protocol, and Documents annexed to it, and of 2 unofficial Notes sent by us to the British Plenipotentiaries. We will add some observations on the several objects embraced by the Convention.

1. *Fisheries.*—We succeeded in securing, besides the rights of taking and curing Fish, within the limits designated by our Instructions as a *sine quâ non*, the liberty of fishing on the Coasts of the Magdalen Islands, and of the Western Coast of Newfoundland, and the privilege of entering for shelter, wood, and water, in all the British Harbors of North America. Both were suggested as important to our Fishermen, in the Communications on that subject, which were transmitted to us with our Instructions. To the exception of the exclusive rights of the Hudson's Bay Company, we did not object, as it was virtually implied in the Treaty of 1783, and we had never, any more than the British Subjects, enjoyed any right there, the Charter of that Company having been granted in the year 1670. The exception applies only to the Coasts and their Harbors, and does not affect the right of Fishing in Hudson's Bay, beyond 3 miles from the shores, a right which could not exclusively belong to, or be granted by, any Nation.

The most difficult part of the Negotiation related to the permanence of the right. To obtain the insertion in the body of the Convention of a provision declaring expressly that that right should not be abro-

grated by War, was impracticable. All that could be done was to express the Article in such a manner as would not render the right liable to be thus abrogated. The words "for ever" were inserted for that purpose, and we also made the Declaration, annexed to the Protocol of the 3rd Conference, the principal object of which was to provide in any event for the revival of all our prior rights. The insertion of the words "for ever" was strenuously resisted. The British Plenipotentiaries urged that, in case of War, the only effect of those words being omitted, or of the Article being considered as abrogated, would be the necessity of inserting in the Treaty of Peace, a new Article, renewing the present one, and that after all that had passed, it would certainly be deemed expedient to do it, in whatever manner the condition was now expressed. We declared that we would not agree to any Article on the subject, unless the words were preserved, or in case they should enter on the Protocol a declaration impairing their effect.

It will also be perceived, that we insisted on the Clause by which The United States renounce their right to the Fisheries relinquished by the Convention, that Clause having been omitted in the first British Counter-Project. We insisted on it with the view, 1st: Of preventing any implication that the Fisheries secured to us were a new grant, and of placing the permanence of the rights secured, and of those renounced, precisely on the same footing. 2d. Of its being expressly stated that our renunciation extended only to the distance of 3 miles from the Coasts. This last point was the more important, as, with the exception of the Fishery in open boats, within certain Harbors, it appeared, from the Communications abovementioned, that the fishing ground on the whole Coast of Nova Scotia is more than 3 miles from the Shores; whilst, on the contrary, it is almost universally close to the shore on the Coast of Labrador. It is in that point of view, that the privilege of entering the Ports for shelter is useful, and it is hoped, that, with that provision, a considerable portion of the actual Fisheries on that Coast (of Nova Scotia) will, notwithstanding the renunciation, be preserved.

2. *Boundary Line.*—This being definitively fixed at the 49th degree of north latitude, from the Lake of the Woods to the Stoney Mountains, it is unnecessary to repeat the arguments which were urged on that subject. The attempt was again made to connect with it an Article, securing to the British, access to the Mississippi, and the right to its navigation. We declared, and entered the declaration in the Protocol, that we could not agree to the Article, nor to any that would bring the British in contact with that River. The British Plenipotentiaries having, by the Protocol of the 7th Conference, agreed to the omission of the Article, that point is also definitively settled. And it may be observed, with reference to the Treaty of 1783, that, if The United States have not secured to themselves the whole of the Fisheries

heretofore enjoyed within the jurisdiction of Great Britain, they have obtained the liberty of curing fish on a part of the southern Coast of Newfoundland, and the abandonment of an inconvenient privilege within their own Territory.

3. *Columbia River*.—This subject was, during the whole Negotiation, connected by the British Plenipotentiaries with that of the Boundary Line. They appeared altogether unwilling to agree to this in any shape, unless some arrangement was made with respect to the Country westward of the Stoney Mountains. This induced us to propose an extension of the Boundary Line, due west to the Pacific Ocean. We did not assert that The United States had a perfect right to that Country, but insisted that their claim was at least good against Great Britain. The 49th degree of north latitude had, in pursuance of the Treaty of Utrecht, been fixed, indefinitely, as the line between the northern British Possessions, and those of France, including Louisiana, now a part of our Territories. There was no reason why, if the 2 Countries extended their claims westward, the same line should not be continued to the Pacific Ocean. So far as discovery gave a claim, ours, to the whole Country on the waters of the Columbia River, was indisputable. It had derived its name from that of the American Ship, commanded by Captain Gray, who had first discovered and entered its mouth. It was first explored, from its sources to the Ocean, by Lewis and Clarke, and before the British traders from Canada had reached any of its waters: for it was now ascertained, that the River *Tacoutche Tesse*, discovered by Mc. Kenzie, and which he had mistaken for the Columbia, was not a branch of this River, but fell into the Sound called "the Gulf of Georgia." The Settlement at the place called Astoria, was also the first permanent Establishment made in that quarter. The British Plenipotentiaries asserted, that former voyages, and principally that of Captain Cook, gave to Great Britain the rights derived from discovery, and they alluded to purchases from the natives south of the River Columbia, which they alleged to have been made prior to the American Revolution. They did not make any formal Proposition for a Boundary, but intimated, that the River itself was the most convenient that could be adopted, and that they would not agree to any that did not give them the Harbor at the mouth of the River, in common with The United States. We stated that we could not agree to this, but expressed our readiness and our wish to insert, in the Boundary Article, a proviso similar to what had been proposed on former occasions, and which would leave that subject open for arrangement hereafter. To this they would not consent, and offered the Article annexed to the Protocol of the 5th Conference. We declared, that we preferred not signing any Article for the Boundary Line eastward of the Stoney Mountains, to acquiescing in that arrangement. We did not know with precision what value our Government set on the

Country to the westward of those Mountains, but we were not authorized to enter into any agreement which would be tantamount to an abandonment of the claim to it. It was at last agreed, but, as we thought, with some reluctance on the part of the British Plenipotentiaries, that the Country on the northwest Coast, claimed by either Party, should, without prejudice to the claims of either, and for a limited time, be opened for the purposes of trade, to the inhabitants of both Countries. The importance which seems to have been attached to that subject by Great Britain, induces a belief that it will again be brought forward, at some future occasion, with a view to a definitive arrangement.

4. *Slaves*.—After having referred to what had already passed on that subject, we insisted that Lord Castlereagh, having, in his Letter to Mr. Adams, of April 10th, 1816, declared that “the British Government would not resist the claim of The United States to indemnification for Slaves or private property belonging to their Citizens, which could be proved to have been in places directed to be restored by the Treaty of Ghent, at the date of the Ratifications, and to have been afterwards removed ;” and it being in proof, by the correspondence of Captain Clavelle, and of Admiral Cockburn, that Slaves had been removed from Tangier Island, and from Cumberland Island, subsequent to the Ratifications, the claim for indemnification, to that extent, had thus been already fully admitted by the British Government. With respect to Slaves, removed on ship-board previous to the Ratifications, and for which Lord Castlereagh denied that our claim to indemnity could, with justice, extend ; we urged, that such of our Harbors and Waters as were in the possession of the British, at the date of the Ratification, were strictly within the meaning of places to be restored ; that they were accordingly actually restored ; and it necessarily followed, that, according to Lord Castlereagh’s construction, the British were bound not to have carried away any Slaves, who were then on board British Vessels, lying within any such Harbors or Waters.

The British Plenipotentiaries offered as a substitute to the Article we had proposed, one to refer the subject to a friendly Sovereign. This we could not reject, as the proposal had originated with The United States, and was now unconnected with the questions respecting the Boundary Line, and the Columbia River. We proposed, that the Emperor of Russia should be designated, in the Article, as the Umpire. This was rejected, on the ground, that, if he should refuse to act, the agreement would become null, and that it would be inexpedient, if at all practicable, to provide by the Article for that contingency, so as to secure the object in view. It was added, that the Sovereign could be fixed upon at a future day by the 2 Governments, through Mr. Rush and Lord Castlereagh.

5. *Commercial Intercourse*.—The subject of the intercourse with the West Indies was fully discussed, and not thinking ourselves autho-

nized to accede to the last Proposals of the British Plenipotentiaries, which are annexed to the Protocol of the 8th Conference, an entry was made, that we had taken them, *ad referendum* to our Government. The Negotiation being kept open, in that respect, we agreed, in conformity with our Instructions, to an Article, continuing in force, for 10 years, the Commercial Convention of 1815. It was fully understood, on both sides, that if no agreement should be ultimately concluded, with respect to the Colonial intercourse, no ground of complaint would arise on account of any restrictive measures whatever, that The United States might adopt on that subject; and we stated, expressly, that such measures would, in all probability, be extended to the intercourse with Bermuda, and with the British northern Colonies; that, if the direct trade with the West Indies was not allowed, The United States would not be disposed to suffer it to be carried on through any other intermediate British Port.

It appeared evident to us, both from our Instructions and from the Act of Congress, that a perfect reciprocity and equality must be the basis, as well as a *sine quâ non*, of any arrangement of the intercourse with the West Indies. And we understood this basis to embrace the following objects.

1. British Vessels to be permitted to import from the British West Indies into The United States, and to export from The United States to the British West Indies, only such articles of the produce of the said West Indies, and of The United States, respectively, as American Vessels should be permitted to export from, and to import into, the British West Indies.

2. The Duties on the Vessels, and on the Cargoes, to be reciprocally the same, whether the Vessels were American or British.

3. The Duties on the importation of American produce, into the British West Indies, not to be higher when the produce was imported directly from The United States, than when imported in a circuitous manner; with a reciprocal condition for the importation of West India produce into The United States.

4. The intercourse in British Vessels to be allowed only with such West India Ports as would be opened to the American Vessels.

5. The British Vessels, allowed to carry on that Trade, to be only of the same description with the American Vessels admitted in the British West Indies.

To that basis, as thus stated, the British Plenipotentiaries acceded. But when the further details of the proposed arrangement were taken into consideration, several important points occurred which had not been contemplated in our Instructions, and on which we were not sufficiently acquainted with the intentions of our Government.

The basis of reciprocity once established, was it proper to agree to a direct intercourse, limited on both sides, to certain articles of the

produce, either of The United States, or of the West Indies? And, if such limitation was admissible, to what extent? And, what articles might we consent to except?

If the direct intercourse was thus limited to certain articles, would an indirect intercourse be admissible, between The United States and Bermuda, Nova Scotia, and New Brunswick, embracing articles of West India produce, or of the produce of The United States, destined for the West Indies, other than were admitted to be imported, or exported in a direct manner?

As the British Government would retain the power of laying Duties on the produce of The United States, imported into the West Indies, and would not lay any on similar articles imported therein, from any part of the British Dominions, ought we to assent, without any condition or exception, to the Clause annexed to the 1st Article, formerly proposed by that Government, and by which no higher Duties should be laid, respectively, on the produce of either Country, than on similar articles imported from any other *foreign* Country?

We thought it safer to err on our own side of the question, and to ask for more than, perhaps, under all circumstances, we expected to obtain, rather than to limit our demands to less than might be intended by our Government. The Articles which we proposed at the 3rd Conference, were drawn with that view; and the British Plenipotentiaries immediately stated, that they were inadmissible, and amounted to a much greater departure from the colonial policy of Great Britain than she was prepared to allow. They did not enter into any abstract defence of that policy, but they strongly urged the impossibility of breaking down, at once, a system still favoured by public opinion, and supported by various interests, which could not be disregarded. The fish and lumber of the Northern Colonies; the salted provisions, and even the flour, of Ireland; the shipping interest, and that of non-residing West India Planters, were all alluded to. Having once admitted the basis of perfect reciprocity with respect to the direct intercourse, they thought that The United States ought, for the present, to be satisfied with an arrangement which would admit a considerable number of articles to be carried directly; that they should not insist on the exclusion, in the intercourse with Halifax, St. John's, and Bermuda, of those articles which might not be included in the list of those admitted in the direct intercourse with the West Indies; and that we ought not to object to the natural right of Great Britain to lay protecting Duties in favour of the produce of her own Possessions.

We admitted that the last principle, as an abstract proposition, was unexceptionable, but observed, that the practical effect of the condition on which they insisted, was altogether partial. Since they persevered in making a distinction between the intercourse with England, and that with her Colonies, and even between that with her Northern

American Colonies and that with the West Indies, The United States must, in a commercial view, consider them as so many distinct Countries. As no other foreign Country could supply the West Indies with the articles which were the produce of The United States, a condition which would prevent Great Britain from laying higher Duties on that produce, than on similar articles, the produce of other foreign Countries, was nugatory, and to us, perfectly useless. There was, in that respect, no competition but with the produce of the British Possessions. We found, in that condition, no compensation for the restriction which it would impose on The United States, to lay no higher Duties on the Colonial produce of the British Possessions, than on that of other Countries. The propriety of limiting the number of articles to be carried directly, would in a great measure depend on the list which might be proposed. To extend it to other articles, in the circuitous intercourse through Halifax and Bermuda, would give to the British the exclusive carriage of those articles from those Ports to the West Indies, and *vice versa*, and be inconsistent with the avowed object of The United States,—that of an equal participation in the navigation necessary for the transportation of the articles, of which their trade with the West Indies, as allowed by Great Britain, actually consisted. Yet we were disposed to pay due regard to the various considerations which had been presented by Great Britain, and to listen to any specific proposals she might be prepared to make. No part of the Articles we had offered was, with the exception of the basis of perfect reciprocity, to be considered as an *ultimatum*. We would, however, say, that we could not assent to any Article which did not admit on the one hand, naval stores, and the whole of our lumber, and on the other, salt, molasses, and, besides rum, a limited quantity of sugar and coffee, amongst the articles of the direct trade.

With respect to Duties, after having suggested without success that a *maximum* of those intended for the protection of the produce of the British Dominions, might be agreed on, we stated that there were at least two provisions which could not be objected to, viz: That The United States should remain at liberty to lay higher Duties on the Colonial produce of the British Possessions, than on that of those Countries where we were, or might be, received on better terms than in the British West Indies; and that the condition which would preclude, generally, such higher Duties being laid, should not apply to the West India articles, not admitted to be exported directly therefrom in American Vessels to The United States.

The result of several free conversations was, that, as it was altogether improbable that we could, at this time, come to a definitive arrangement, the British Plenipotentiaries should offer an Article with the intention of its being referred to our Government.

It will be perceived by this, that they admit the principle of reci-

procity; that they make no exception with respect to the description of Vessels; that, giving up the Article formerly proposed for Turk's Island, they also admit that Vessels employed in the trade may touch from one Port to another; and that to the list of articles formerly proposed are added naval stores, shingles, and staves, and a more general description of provisions. They continue to except, altogether, on the one hand, sugar and coffee, and on the other salted fish and provisions, and every other species of lumber but shingles and staves. The only essential difference between this list of articles and that proposed for the intercourse with Bermuda and the Northern Colonies, consists, as far as relates to the produce of The United States, in the lumber not admitted in the direct intercourse; for salted fish and provisions are equally excluded from both: but it is proposed that not only sugar and coffee, but also all articles of the produce or manufacture of any of the British Dominions should be admitted, through that indirect channel, into The United States. We stated, when we received the Article, that it ought to embrace only American products, and that the proposal was certainly inadmissible, so far as related to East India articles.

With respect to the Ports they offer in the West Indies, they are the same with those proposed by us, with the exception of St. Christopher's, St. Lucia, Demerara, Essequibo, and Berbice. The 3 last had been at first intended to be included, but were ultimately omitted by the British Plenipotentiaries, for reasons, connected, as they said, with their engagements with Holland.

We cannot state what may be considered as an *ultimatum* in that proposal. We are, however, induced to believe, that they will persevere in excluding sugar, and some species of lumber, from the direct, and salted fish and provisions, from both the direct and indirect, intercourse; that they will insist on having some articles admitted in the indirect, which shall be excluded from the direct intercourse; and that they will be tenacious on being placed on the footing of the most favored Nation. They will also certainly insist, that Vessels from Great Britain may touch at any Port in The United States, and take cargoes for the West Indies, of such articles as may be admitted in the direct trade. Without such provision, (which would be made reciprocal, although only nominally so,) it is supposed here, that, considering our proximity, to admit our Vessels to a participation on an equal footing, in the trade between The United States and the West Indies, would, in fact, give the latter the whole navigation connected with that trade. It must, at the same time, be observed, that the proposal being intended for reference, and not for immediate discussion, the British Plenipotentiaries may have been cautious not to go too far. Upon the whole, we hope, that if our Negotiation does not pave the way for a definitive arrangement, it will, at least, have served to make

our Government better acquainted with the dispositions of this, and may afford some assistance with respect to the further proceedings which may be thought expedient.

It having been ascertained, that the British Government would not assent to any Article on the subject of the intercourse by land, and inland navigation, with Canada, which would substantially differ from that already twice rejected, and that they would not even agree to a provision, securing to us the right of taking our produce, in our own Boats or Vessels, down the St. Lawrence, as far as Montreal, and down the River Chambly, as far as the River St. Lawrence; we thought it altogether unnecessary to make any proposal on that subject, on which, indeed, we were not particularly instructed.

ALBERT GALLATIN.
RICHARD RUSH.

The Hon. J. Q. Adams.

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(1.) *Protocol of the First Conference, held between the American and British Plenipotentiaries, at Whitehall, 27th August, 1818.*

Present—Mr. Gallatin, } American. Mr. Robinson, } British.
 Mr. Rush, } Mr. Goulburn, }

THE Plenipotentiaries produced and exchanged their respective Full Powers.

It was agreed, that the discussion should be carried on by Conference and Protocol, with the insertion in the Protocol of such written Documents, as either Party might deem necessary, for the purpose of recording their sentiments in detail.

The British Plenipotentiaries stated, that they were ready to proceed at once to the signature of a Treaty, renewing the Commercial Convention of 1815 as it stands; or that if the American Plenipotentiaries should prefer to delay the signature of such a Treaty of renewal, till more progress should have been made in the discussion of the other topics which it is the object of the 2 Governments to arrange, no objection would be made to the adoption of that course. But it was explicitly stated, by the British Plenipotentiaries, that, with respect to all those other topics of discussion, whether purely commercial, or partaking more of a political character, they were instructed not to consent to any partial or separate consideration of them, nor to select any one, in particular, as an appendage to a renewal of the existing Commercial Convention.

The American Plenipotentiaries acquiesced in the division of the subject, represented by the British Plenipotentiaries to be essential, but stated it to be their desire not to sign the Treaty of renewal for the present. It was, however, agreed, that the eventual signature of that Instrument should not be made contingent upon a settlement of the other points, and both Parties declined bringing forward any proposed modification of it.

It was agreed to meet again on Saturday, at 2 o'clock.

ALBERT GALLATIN.

FREDERICK JOHN ROBINSON.

RICHARD RUSH.

HENRY GOULBURN.

(2.)—*Protocol of the Second Conference, held between the American and British Plenipotentiaries, at Whitehall, 29th August, 1818.*

Present:—Mr. Gallatin, Mr. Rush, Mr. Robinson, Mr. Goulburn.

THE Plenipotentiaries agreed upon, and signed, the Protocol of the preceding Conference. Some general conversation then ensued upon some of the different topics of discussion.

The American Plenipotentiaries stated, that, whenever the British Plenipotentiaries were prepared to submit their Project on the Impressment Question, they (the American Plenipotentiaries,) would bring forward their proposition respecting the other Maritime Points; but that they did not intend to bring those topics before the Conferences at all, unless the Impressment of Seamen was to be discussed on the part of Great Britain.

It was agreed that the next Conference should take place on September the 4th.

ALBERT GALLATIN.

FREDERICK JOHN ROBINSON.

RICHARD RUSH.

HENRY GOULBURN.

(3.)—*Protocol of the Third Conference, held between the American and British Plenipotentiaries, at Whitehall, 17th September, 1818.*

Present:—Mr. Gallatin, Mr. Rush, Mr. Robinson, Mr. Goulburn.

THE Conference fixed for the 4th instant, having been adjourned by mutual consent, it was held this day.

The Protocol of the preceding Conference was agreed upon and signed.

The American Plenipotentiaries, after some previous explanation of the nature of the Propositions which they were about to make, submitted the 5 annexed Articles, (A, B, C, D.) upon the Fisheries, the Boundary Line, the West India Intercourse, that of Nova Scotia and New Brunswick, and the Captured Slaves; the 2 first Articles they stated to be drawn as permanent, and they accompanied that respecting the Fisheries with the annexed Explanatory Memorandum, (E.)

The British Plenipotentiaries submitted the annexed Project of Articles respecting the Impressment of Seamen, (F.) and they expressed their conviction that a consideration of these Articles would, under all the circumstances of difficulty with which the question is involved, satisfy the American Plenipotentiaries of the sincere and earnest disposition of the British Government, to go every practicable length in a joint effort to remove all existing causes of difference, and to connect the 2 Countries in the firmest ties of harmony and good understanding.

The American Plenipotentiaries declared, that they received the Proposition entirely in the same spirit, and then brought forward the annexed Articles, (G.) relating to other maritime points which

at the former Conference they had announced their intention of producing.

They also submitted 3 other Articles as annexed, respecting Wrecks, &c. &c. (H.)

It was agreed to meet on Friday the 25th instant.

ALBERT GALLATIN. FREDERICK JOHN ROBINSON.
RICHARD RUSH. HENRY GOULBURN.

(Annex 1.) American Projet.

ART. A.—Fisheries.—Whereas, differences have arisen respecting the liberty claimed by The United States, for the Inhabitants thereof, to take, dry, and cure fish, on certain Coasts, Bays, Harbours, and Creeks, of His Britannic Majesty's Dominions in America; it is agreed between the High Contracting Parties, that the Inhabitants of the said United States shall continue to enjoy unmolested for ever, the liberty to take fish of every kind, on that part of the southern Coast of Newfoundland, which extends from Cape Ray to the Ramea Islands, on the western and northern Coast of Newfoundland, from the said Cape Ray to Quirpon Island, on the Magdalen Islands, and also on the Coasts, Bays, Harbours, and Creeks, from Mount Joli, on the southern Coast of Labrador, to, and through, the Streights of Belleisle, and thence northwardly, indefinitely, along the Coast; and that the American Fishermen shall also have liberty, for ever, to dry and cure fish in any of the unsettled Bays, Harbours, and Creeks, of the southern part of the Coast of Newfoundland here above described, of the Magdalen Islands, and of Labrador, as here above described; but so soon as the same, or either of them shall be settled, it shall not be lawful for the said Fishermen to dry or cure fish at such Settlement, without a previous agreement, for that purpose, with the Inhabitants, Proprietors, or Possessors of the ground; and The United States hereby renounce any liberty heretofore enjoyed, or claimed by the Inhabitants thereof, to take, dry, or cure fish, on, or within 3 marine miles of, any of the Coasts, Bays, Harbours, and Creeks, of His Britannic Majesty's Dominions in North America, not included within the above-mentioned Limits. Provided, however, that the American Fishermen shall be admitted to enter such Bays and Harbours, for the purpose only of obtaining shelter, wood, water, and bait; but under such restrictions as may be necessary to prevent their taking, drying, or curing, fish therein, or in any other manner abusing the privileges hereby reserved to them.

B.—Boundary.—It is agreed that a Line, drawn due north or south, as the case may require, from the most northwestern point of the Lake of the Woods, until it shall intersect the 49th parallel of north latitude, and from the point of such intersection, due west, along and with the said parallel, shall be the Line of Demarcation between the Territories of The United States and those of His Britannic Majesty, to the west-

ward of the said Lake, and that the said Line shall form the northern Boundary of the said Territories of The United States, and the southern Boundary of His Britannic Majesty's said Territories, from the said Lake unto the Pacific Ocean; it being, however, distinctly understood, that with respect to the Territories situated on the northwest Coast of America, or westward of the Stoney Mountains, the 2 High Contracting Parties hereby intend to define the extent of their respective Claims, so far only as relates to the 2 Parties, and without reference to the Claims of any other Nation.

The Inhabitants of the 2 Countries, respectively, shall have liberty freely to come with their Ships and Cargoes to all such Places, Ports, and Rivers, on the northwest Coast of America, as belong to, or may be in the possession of, either of the two High Contracting Parties, and shall be admitted and treated, with respect to their said Ships and Cargoes, and to trade generally, on the same terms, and in the same manner, as the Inhabitants, Vessels, and Cargoes of the Country owning or having possession of such Places, Ports, or Rivers. The navigation of the Rivers that fall into the Pacific Ocean, and which may be intersected by the Line of Demarcation aforesaid, shall, from the sources of such branches as may be thus intersected, to the Ocean, remain free and open to the Citizens of The United States, and to the Subjects of Great Britain. But both Parties reserve to themselves the power of regulating, each within their respective Territories, the right to the navigation of the Rivers that fall either into the Gulf of Mexico or into Hudson's Bay.

C.—*West Indies*.—It is agreed, that Vessels of The United States shall have liberty to import, from any of the Ports of The United States, to which any Foreign Vessels are permitted to come, into any of the following Ports of His Britannic Majesty's Dominions in the West Indies, and on the Continent of South America; viz. the Ports of Kingston, Savannah Le Mar, Montego Bay, Santa Lucia, Antonio, Saint Ann, Falmouth, and Porto Maria, in the Island of Jamaica; the Port of San Joseph, in the Island of Trinidad; the Port of Scarborough, in the Island of Tobago; the Port of St. George, in the Island of Grenada; the Port of Kingston, in the Island of St. Vincent; the Port of Bridgetown, in the Island of Barbadoes; the principal Port in the Island of St. Lucia; the Port of Roseau, in the Island of Dominica; the Port of St. John's, in the Island of Antigua; the Port of Basseterre, in the Island of St. Christopher's; the Port of Road-Harbour, in the Island of Tortola; the principal Port of Turk's Island; the Port of Nassau, in the Island of New Providence; the Port of Pitt's Town, in Crooked Island; the principal Port of the Island of Bermuda; the principal Port in the Colony of Demerara; and the principal Port in the Colony of Berbice;—tobacco, naval stores, live stock, and every species of provisions and

lumber, being of the growth, produce, or manufacture, of The United States: and the said Vessels shall, also, have liberty to import, in the same manner, every other article of the growth, produce, or manufacture of The United States, the importation of which, into the above mentioned British Islands and Colonies, shall not be entirely prohibited, from every other Place whatever, if of the growth, produce, or manufacture of The United States, and from every other Foreign Country or Place, if of the growth, produce, or manufacture, of any other Foreign Country or Place. The said Vessels, coming directly from any of the aforesaid Ports of The United States, shall, likewise, have liberty to export from any of the aforesaid Ports of His Britannic Majesty's Dominions, to any of the aforesaid Ports of The United States, sugar, coffee, molasses, and salt, being of the growth, produce, or manufacture, of any of the above-mentioned British Islands and Colonies; and the said Vessels shall, also, have liberty to export, in the same manner, any other article of the said growth, produce, or manufacture, the exportation of which, from the said British Islands and Colonies, to every other Foreign Country or Place, shall not be entirely prohibited: provided always that the quantity of sugar and coffee, which may be thus exported, shall not, for each Vessel, exceed the rate of 5cwt. of both together, for each ton of the burthen of such Vessel.

British Vessels shall, in the same manner, have liberty to import from any of the aforesaid Ports of His Britannic Majesty's Dominions, into any of the aforesaid Ports of The United States, sugar, coffee, molasses, and salt, being of the growth, produce, or manufacture, of the above-mentioned British Islands and Colonies; and the said Vessels shall also have liberty to import, in the same manner, any other article of the said growth, produce, or manufacture, the exportation of which, from the said Islands and Colonies, to The United States, shall be allowed in Vessels of The United States, and the importation of which, into the said United States, from every Foreign Country and Place, shall not be entirely prohibited. Provided, however, That the quantity of sugar and coffee, which may be thus imported, shall not exceed, for each Vessel, the rate of 5cwt. of both together, for each ton of the burthen of such Vessel. The said Vessels coming directly from any of the aforesaid Ports of His Britannic Majesty's Dominions, shall likewise have liberty to export, from any of the aforesaid Ports of The United States, to any of the aforesaid Ports of His Britannic Majesty's Dominions, tobacco, naval stores, live stock, and every species of provisions and lumber, being of the growth, produce, or manufacture of The United States; and the said Vessels shall also have liberty to export, in the same manner, every other article, the growth, produce, or manufacture, of The United States, the importation of which, into the said British Ports, from the said United States, shall be allowed in Vessels of The United States, and the exportation

of which, from the said United States, to every other Foreign Country or Place, shall not be entirely prohibited.

The Vessels of either of the 2 Parties employed in the trade provided for by this Article shall be admitted in the Ports of the other Party, as above-mentioned, without paying any other, or higher, Duties or Charges than those payable in the same Ports by the Vessels of such other Party; and they shall have liberty, respectively, to touch, during the same Voyage, at one or more of the Ports above-mentioned of the other Party, for the purpose of disposing of their inward, or taking on board their outward, Cargoes.

No other or higher Duties shall be paid on the importation, into The United States, of any of the articles which may be imported therein, by virtue of this Article, when imported in British Vessels, than when imported in Vessels of The United States, nor when imported directly from the above mentioned Ports of His Britannic Majesty's Dominions, than when imported in a circuitous manner. And no other or higher Duties shall be paid on the importation into the above-mentioned Ports of His Britannic Majesty's Dominions, of any of the articles which may be imported therein, by virtue of this Article, when imported in Vessels of The United States, than when imported in British Vessels, nor when imported directly from The United States, than when imported in a circuitous manner.

The same Duties shall be paid, and the same Bounties shall be allowed, on the exportation of any articles, which may, by virtue of this Article, be exported from either of the above mentioned British Islands and Colonies to The United States; or, from the said United States to the said Islands and Colonies, whether such exportation shall be in Vessels of The United States, or in British Vessels; and the articles thus exported shall, in the Dominions of both Parties, respectively, pay the same Duties, and be allowed the same Bounties, on the exportation thereof, as when exported to any other Foreign Country or Place whatever.

Nova Scotia, &c.—British Vessels shall have liberty to export, from any of the Ports of The United States, to which any Foreign Vessels are permitted to come, to the Port of Halifax, in His Britannic Majesty's Province of Nova Scotia; to the Port of St. John's, in His Britannic Majesty's Province of New Brunswick; and to any other Port within the said Provinces of Nova Scotia or New Brunswick, to which Vessels of any other Foreign Nation shall be admitted; any article of the growth, produce, or manufacture of The United States, the importation of which, from the said United States into His Britannic Majesty's Dominions in the West Indies, and on the Continent of South America, shall be allowed in Vessels of The United States, by virtue of the next preceding Article of this Treaty, and the exportation of which, from The United States to every other Foreign Country or Place, shall not

be entirely prohibited ; and Vessels of The United States shall, in like manner, have liberty to import, from any of the aforesaid Ports of The United States, into any of the aforesaid Ports within the said Provinces of Nova Scotia and New Brunswick, any of the articles, the growth, produce, or manufacture, of the said United States, the exportation of which, from the said United States to the said Provinces, shall be allowed in British Vessels, and the importation of which, into the said Provinces, from every other Foreign Country or Place, shall not be entirely prohibited.

British Vessels shall also have liberty to import, from any of the aforesaid Ports within the Provinces of Nova Scotia and New Brunswick, into any of the aforesaid Ports of The United States, gypsum and grindstones, the produce or manufacture of the said Provinces ; and they shall likewise have liberty to import, in the same manner, any other article of the growth, produce, or manufacture, of the said Provinces, the exportation of which, from the said Provinces to The United States, shall be allowed in Vessels of The United States, and the importation of which, from the said United States, into every other Foreign Country, shall not be altogether prohibited. And Vessels of The United States shall have liberty to export, from the said Provinces to the said United States, gypsum and grindstones, the produce or manufacture of the said Provinces ; and they shall likewise have liberty to export, in the same manner, any other article of the growth, produce, or manufacture of the said Provinces, the exportation of which, to every other Foreign Country or Place, shall not be entirely prohibited.

The Vessels of either of the 2 Parties employed in the trade provided for by this Article shall be admitted into the Ports of the other Party, as above-mentioned, without paying any other, or higher Duties or Charges than those payable in the same Ports by the Vessels of such other Party. The same Duties shall also be paid, respectively, in the Dominions of both Parties, on the importation, and on the exportation, of the articles which may be imported or exported by virtue of this Article ; and the same Bounties shall be allowed on the exportation thereof, whether such importation or exportation shall be in Vessels of The United States, or in British Vessels.

D.—Captured Slaves.—Whereas complaints have been made by divers Inhabitants of The United States, that several Slaves, their private property, were carried away from The United States, contrary to the intentions of the 1st Article of the Treaty of Peace and Amity, concluded at Ghent, between the 2 High Contracting Parties, on the 24th day of December, 1814 ; it is agreed, that full compensation shall be made by the British Government to the said Complainants, for all Slaves their private property, who, at the date of the exchange of the Ratifications of the said Treaty, were in any Territory, Places, or Possessions, whatso-

ever, directed by the said Treaty to be restored to The United States, but then still occupied by the British Forces, and who were afterwards removed or carried away by the said Forces, whether such Slaves, as aforesaid, were, at the date aforesaid, on shore, or on board any Vessels lying in Waters which, being within the Territory or jurisdiction of The United States, were to be restored to them. And, for the purpose of truly ascertaining the number and value of the said Slaves, 3 Commissioners shall be appointed, and authorized to meet and act in manner following, that is to say; one shall be appointed by the President of The United States, by and with the advice and consent of the Senate thereof, and one by His Britannic Majesty; and the said 2 Commissioners shall agree on the choice of a 3rd; or, if they cannot so agree, they shall each propose one Person; and, of the 2 names so proposed, one shall be drawn by lot in the presence of the 2 original Commissioners. The 3 Commissioners thus appointed shall first meet at the City of Washington, but shall have power to adjourn from place to place as they shall see cause. They shall have power to appoint a Secretary; and, before proceeding to act, shall, respectively, take the following oath or affirmation, in the presence of each other; which oath, or affirmation, being duly taken and attested, shall be entered on the record of their proceedings; that is to say: "I, A. B. one of the Commissioners appointed in pursuance of the Article of the Treaty of _____, between The United States of America and His Britannic Majesty, do solemnly swear, or affirm, that I will diligently, impartially, and carefully, examine, and, to the best of my judgment, according to justice and equity, decide, all such complaints or applications as, under the said Article, shall be preferred to the said Commissioners." Two of the said Commissioners shall constitute a Board, provided that they be those named by the respective Governments; and vacancies, caused by death, or otherwise, shall be filled up in the manner of the original Appointments; and the new Commissioners shall take the same oath, or affirmation, and do the same duties. 12 months, from the day on which the said Commissioners shall form a Board, are assigned for receiving complaints and applications; but they are, nevertheless, authorized, in any particular cases, in which it shall appear to them reasonable and just, to extend the said term for any term not exceeding 6 months after the expiration thereof. In examining the complaints and applications preferred to them by the Owners of Slaves, or their lawful Attornies or Representatives, the said Commissioners are empowered and required, in pursuance of the true intent and meaning of this Article, to examine, on oath or affirmation, all such Persons as shall come before them, touching the real number and value of the Slaves alleged to have been carried away, as aforesaid; and, also, to receive in evidence, according as they may think consistent with equity and justice, written Depositions, being duly

authenticated, either according to existing legal forms, or in such other manner as the said Commissioners shall see cause to require or allow.

The award of the said Commissioners, or of any 2 of them, shall, in all cases, be final and conclusive, whether as to the number, the value, or the ownership of the Slaves carried away as aforesaid. And His Britannic Majesty undertakes to cause the sum awarded to each and every Owner, in lieu of his Slave or Slaves, as above described, to be paid without deduction, at such time or times, and at such place or places, as shall be awarded by the said Commissioners, and on condition of such releases being given as they shall direct; provided that no such payments shall be fixed to take place sooner than 12 months from the day of the exchange of the Ratifications of this Treaty. It is further agreed, that the said Commissioners shall be respectively paid in such manner as shall be agreed between the 2 Parties, such agreement to be settled at the time of the exchange of the Ratifications of this Treaty. And all other expenses, attending the execution of the Commission, shall be defrayed jointly by the 2 Parties, the same being previously ascertained and allowed by the majority of the Commissioners.

E.—Explanatory Memorandum.—The American Plenipotentiaries presented, for consideration, an Article on the subject of the Fisheries. They stated, at the same time, that, as The United States considered the liberty of taking, drying, and curing fish, secured to them by the Treaty of Peace of 1783, as being unimpaired, and still in full force for the whole extent of the Fisheries in question, whilst Great Britain considered that liberty as having been abrogated by the War; and as, by the Article now proposed, The United States offered to desist from their claim to a certain portion of the said Fisheries; that offer was made with the understanding that the Article now proposed, or any other on the same subject, which might be agreed on, should be considered as permanent, and, like one for fixing Boundaries between the Territories of the 2 Parties, not to be abrogated by the mere fact of a War between them; or that, if vacated by any event whatever, the rights of both Parties should revive, and be in full force, as if such an Article had not been agreed to.

(Annex 2.)—British Projet.—Impressment.

F.—His Majesty the King of the United Kingdom of Great Britain and Ireland, &c. &c. and the President of The United States of America, being animated with an equal desire to remove, by amicable regulations, the inconveniences which have arisen from the difficulty of discriminating between the Subjects of the 2 Powers, respectively, have determined to proceed, without prejudice to the rights of either Power, to frame such conventional arrangements as may obviate the evils which might hereafter again result from the circumstances above

stated, to the public service, the Commerce, or the Subjects of either of the Contracting Parties. In pursuance of so desirable an object, His said Majesty and the President of The United States have nominated Plenipotentiaries, to discuss and sign a Treaty to this effect :

His Majesty the King of the United Kingdom of Great Britain and Ireland, &c. &c. &c. has nominated the Right Honourable Frederick John Robinson, &c. &c. &c. and Henry Goulburn, Esq. &c. &c. &c.; and the President of The United States has nominated Albert Gallatin, Esq. &c. &c. &c. and Richard Rush, Esq. &c. &c. &c. who, having exchanged their Full Powers, found to be in good and due form, have agreed upon the following Articles:

ART. I. The High Contracting Parties engage and bind themselves to adopt, without delay, and in the manner that may best correspond with their respective Laws, such measures as may be most effectual for excluding the natural born Subjects of either Party from serving in the public or private Marine of the other. Provided always, that nothing contained in this Article shall be understood to apply to such natural born Subjects of either Power, as may have been naturalized by their respective Laws, previous to the signature of the present Treaty. And such measures, when adopted, shall be immediately communicated to each Party, respectively.

II. For the better ascertaining the number of Persons on either side that may fall within the exception contained in the preceding Article, the High Contracting Parties engage to deliver, each to the other, within 12 months from the Ratification of the present Treaty, a List of all Persons falling within the said exception, specifying the places of their birth, with the date of their becoming naturalized. And it is farther agreed, that none other than the Persons whose names shall be included in the said Lists, shall be deemed to fall within the said exception.

III. The High Contracting Parties, however, reserve to themselves the power to authorize and permit, by Proclamation, their respective Subjects or Citizens to serve in the public or private Marine of the other Country. And it is hereby expressly understood, that, so long as such permission shall remain in force, it shall be competent for the Government of the other Power, notwithstanding the engagement set forth in the Ist Article of this Treaty, to admit the performance of such service. Provided always, that, whenever the Power so granting permission to the said Subjects or Citizens to serve in the Marine of the other, shall withdraw the same, notification thereof shall forthwith be made to the other Contracting Party, and, on receipt of such notification, the Power receiving the same shall, forthwith, notify it in the most public and official manner, and shall use its utmost endeavours to restrain the said Subjects of the other Party from further serving in its public or private Marine, and shall enforce the exclusion

of such of the said Subjects of the other Power, as may then be in its service, as if no such permission had been promulgated.

IV. In consideration of the Stipulations contained in the preceding Articles, it is agreed, by the High Contracting Parties, that, during the continuance of the present Treaty, neither Power shall impress or forcibly withdraw, or cause to be impressed or forcibly withdrawn, any Person or Persons from the Vessels of the other Power, when met upon the high seas, on any plea or pretext whatsoever. Provided always, That nothing contained in this Article shall be construed to apply to the Vessels of either Power, which may be within the Ports or the maritime jurisdiction of the other, and also provided, that nothing herein contained shall be construed to impair or affect the established Right of Search, as authorized, in time of War, by the Law of Nations.

V. The High Contracting Parties have agreed to extend the duration of the present Treaty to 10 years, and they reserve to themselves to concert, as to its renewal, at such convenient period, previous to its expiration, as may ensure to their respective Subjects the uninterrupted benefit which they expect from its provisions. Provided always, that either Power may, if it deem it expedient, upon giving 6 months previous notice to the other, wholly abrogate and annul the present Treaty.

VI. It is agreed, that nothing contained in the preceding Articles shall be understood to affect the rights and principles on which the High Contracting Parties have heretofore acted, in respect to any of the matters to which these Stipulations refer, except so far as the same shall have been modified, restrained, or suspended, by the said Articles. And whenever the present Treaty shall cease to be in operation, either by the expiration of the term for which it is enacted, without any renewal of the same, or by the abrogation thereof, by either of the Contracting Parties, as hereinbefore provided, or (which God forbid) by any War between the High Contracting Parties; each of the said High Contracting Parties shall stand, with respect to the other, as to its said rights and principles, as if no such Treaty had ever been made.

(Annex 3.)—American Projet.—Maritime Rights.

G.—(a.) Whenever one of the High Contracting Parties shall be at War, any Vessel of the other Party, sailing for a Port, or Place, belonging to an Enemy of the 1st Party, without knowing that the same is either besieged, blockaded, or invested, may be turned away from such Port or Place; but she shall not be detained, nor her Cargo, if not contraband, be confiscated, unless, after such notice, she shall again attempt to enter; but she shall be permitted to go to any other Port or Place she may think proper. No Vessel, or Cargo, shall be condemned for breach of a Blockade, unless captured by one of the blockading Ships; or unless she shall attempt to enter, after notice as

aforesaid. Nor shall any Vessel or Goods of either Party, that may have entered into such Port or Place, before the same was besieged, blockaded, or invested by the other, and be found therein, after the reduction or surrender of such Place, be liable to confiscation; but shall be restored to the Owners or Proprietors thereof. And, in order to determine what characterizes a Blockade, it is agreed that that denomination shall apply only to a Port where there is, by the disposition of the Power which blockades it, with Ships stationary, or sufficiently near, an evident danger in entering.

(b.)—Whereas differences have arisen, concerning the trading with the Colonies of His Britannic Majesty's Enemies, and the Instructions given by His Majesty to his Cruizers in regard thereto; it is agreed that, whenever His Britannic Majesty shall be at War, all articles, not being contraband of War, may be freely carried from the Ports of The United States to the Ports of any Colony not blockaded, belonging to His Majesty's Enemies; provided such Goods as are not of the growth, produce, or manufacture, of The United States, shall previously have been entered and landed in The United States, and the ordinary Duties on such articles, so imported for home consumption, shall have been paid, or secured to be paid, and the said Goods, on re-exportation, shall, after the drawback, remain subject to a Duty equivalent to not less than 1 per cent. *ad valorem*; and that the said Goods, and the Vessels conveying the same, shall, from the time of their clearance from the Port of The United States, be *bonâ fide* the sole property of Citizens of The United States; and, in like manner, that all articles, not being contraband of War, and being the growth or produce of the Colonies of His Britannic Majesty's Enemies, may be brought to The United States, and, after having been there landed, may be freely carried from thence to any Foreign Port not blockaded; provided such Goods shall previously have been entered and landed in The United States, and the ordinary Duties on Colonial articles so imported for home consumption shall have been paid, or secured to be paid; and that the said Goods, except only mahogany and fustic, shall, on re-exportation after the drawback, remain subject to a Duty equivalent to not less than 2 per cent. *ad valorem*; and provided that the said Goods, and the Vessels conveying the same, be *bonâ fide* the sole property of Citizens of The United States:

Provided always, that this Article, or any thing contained therein, shall not affect any question now, or hereafter, judicially pending, touching the legality or illegality of a direct trade from Europe, or other Foreign Countries, by Citizens of The United States, with the Colonies or Possessions of His Britannic Majesty's Enemies beyond the Cape of Good Hope, nor operate to the prejudice of any right belonging to either Party; but that after the expiration of the time limited for this Treaty, the rights on both sides shall revive and be in full force.

(c.)—In order to regulate what is in future to be esteemed contraband of War, it is agreed that, under the said denomination, shall be comprised all arms and implements serving for the purposes of War, by land or by sea, such as cannon, mortars, muskets, pistols, and other fire-arms, petards, bombs, grenades, carcasses, saucisses, rockets, carriages for cannon, firelocks, musket rests, bandoliers, gunpowder, saltpetre, sulphur, matches, balls and bullets, helmets or head pieces, cuirasses, swords, pikes, halberts, lances, javelins, saddles, bridles, and other horse furniture, holsters, pouches, belts, and generally all other implements of War; excepting, however, the quantity of the said articles which may be necessary for the defence of the Ship, and of those who compose the Crew; but all such articles are hereby declared to be just objects of confiscation, whenever they are attempted to be carried to an Enemy. But no Vessel shall be detained on pretence of carrying contraband of War, unless some of the above-mentioned articles are found on board of the said Vessel at the time it is searched.

(d.)—In all cases where one of the High Contracting Parties shall be at War, the armed Vessels belonging to such Party shall not station themselves, nor rove, or hover, nor stop, search, or disturb, the Vessels of the other Party, or the unarmed Vessels of other Nations, within the chambers formed by head lands, or within 5 marine miles from the Shore belonging to the other Party, or from a right line from one head land to another.

(e.)—Whenever one of the High Contracting Parties shall be at War, and where Vessels of the other Party shall be captured or detained by the Ships of War or Privateers of the Belligerent for any lawful cause, the said Vessels shall be brought to the nearest or most convenient Port; and such part only of the articles on board, as are subject to condemnation by the Law of Nations, shall be made prize; and the Vessels, unless by that Law also subject to condemnation, shall be at liberty to proceed with the remainder of the Cargo, without any impediment.

In all cases of unfounded detention, or other contravention of the Regulations stipulated by the present Treaty, the Owners of the Vessel and Cargo so detained, shall be allowed damages proportioned to the loss occasioned thereby, together with the costs and charges of the trial. All proper measures shall be taken to prevent delay in deciding the cases of Ships or Cargoes so brought in for adjudication, and in the payment or recovery of any indemnification adjudged or agreed to be paid to the Masters or Owners of such Ships or Cargoes. And whenever Sentence shall be pronounced against any Vessel thus captured or detained, or against her Cargo, or part thereof, the Sentence or Decree shall mention the reasons or motives on which the same shall have been founded, and a duly authenticated Copy of all the Proceedings in the Cause, and of the said Sentence, shall, if required, be deli-

vered, without the smallest delay, to the Commander of the said Vessel, or to the Owner thereof, or to the Agent of either, on the payment of legal fees and demands for the same.

The Commanders of Ships of War and Privateers of the Belligerent Party shall, in the searching of Merchant Ships of the other Party, conduct themselves according to the acknowledged principles and rules of the Law of Nations, and as favorably, moreover, as towards the most friendly Power that may remain neuter. The said Commanders, their Officers and Crews, shall forbear doing any damage to the Subjects or Citizens of the other Party, or committing any outrage against them; and, if they act to the contrary, they shall be punished, and shall also be bound, in their Persons and Estates, to make satisfaction and reparation for all damages, and the interest thereof, of whatever nature the said damages may be.

For this cause, all Commanders of Privateers, before they receive their Commissions, shall be compelled to give, before a competent Judge, sufficient security, by at least 2 responsible Sureties, who have no interest in the said Privateer; each of whom, together with the said Commander, shall be jointly and severally bound in the sum of £.2,250 sterling, or of 10,000 dollars; or, if such Ship be provided with above 150 Seamen, or Soldiers, in the sum of £.4,500 sterling, or of 20,000 dollars, to satisfy all damages and injuries which the said Privateers, or Officers, or Men, or any of them, may do or commit during their cruise, contrary to the tenor of this Treaty, or to the Laws and Instructions for regulating their conduct; and further, that, in all cases of unlawful aggressions, the said Commissions shall be revoked and annulled.

(f.)—The Ships of War and Privateers of the 2 Nations, as well as their Prizes, shall be treated, in their respective Ports, as those of the most favoured Nation.

It shall not be lawful for the Commanders of any Foreign Privateers, (not being Subjects or Citizens of either of the said Parties,) who have Commissions from any Power or State at War with either of the 2 Nations, to arm their Ships in the Ports of either of the said Parties, nor to sell what they have taken, nor in any other manner to exchange the same; nor shall they be allowed to purchase more provisions than shall be necessary for their going to the nearest Port of that Power or State from which they obtained their Commissions.

(g.)—It is likewise agreed that the Subjects of the 2 Nations shall not do any acts of hostility or violence against each other, nor accept Commissions so to act, from any Foreign Power or State, enemies to the other Party; nor shall the enemies of one of the Parties be permitted to invite, or endeavour to enlist, in the military service, any of the Subjects or Citizens of the other Party. The Laws against all such offences and aggressions shall be punctually executed; and if

any Subject or Citizen of the said Parties, respectively, shall accept any Foreign Commission, or Letters of Marque, for arming any Vessel to act as a Privateer against the other Party, it is hereby declared to be lawful for the said Party to treat and punish the said Subject or Citizen, having such Commission or Letter of Marque, as a Pirate.

American Projet.—Miscellaneous.

H. (h.)—In the event of a Shipwreck happening, in a Place belonging to either of the High Contracting Parties, not only every assistance shall be given to the unfortunate Persons, and no violence done to them, but also the effects belonging to them, and which may be saved either from on board the Ship, or in any other manner whatever, shall not be concealed, nor detained, nor damaged, under any pretext whatever. On the contrary, the above-mentioned effects and merchandise shall be preserved and restored to them, upon a suitable recompense being given to those who shall have assisted in saving their Persons, Vessels, or effects.

(i.)—It is expressly stipulated, that neither of the said Contracting Parties will order or authorize any act of reprisal against the other, on complaints of injuries and damages, until the said Party shall first have presented to the other a Statement thereof, verified by competent proof and evidence, and demanded justice and satisfaction, and the same shall have been either refused or unreasonably delayed.

(k.)—If at any time a rupture should take place, (which God forbid,) between The United States and His Britannic Majesty, neither the Vessels and Cargoes, nor any other Property of any kind, belonging to the Individuals of each of the 2 Nations, which may at the time be in the Harbors, Ports, or Dominions, of the other Party, nor the debts due from Individuals of one of the 2 Nations to Individuals of the other, nor shares or monies which they may have in the Public Funds, or in the Public or Private Banks, shall be sequestered or confiscated. And the Merchants and others of each of the 2 Nations, residing in the Dominions of the other, shall, in no case, be detained as Prisoners of War, but they shall be permitted to remove, with their families, effects, and property; each Government having, nevertheless, the right, during their remaining in its Dominions, to make such regulations, and to take such precautions, as it may deem necessary, with respect to such Persons.

(4.)—*Protocol of the Fourth Conference, held between the American and British Plenipotentiaries, at Whitehall, 25th September, 1818.*

Present:—Mr. Gallatin, Mr. Rush, Mr. Robinson, Mr. Goulburn.

EXPLANATIONS were asked, and given, respecting some of the Articles presented by the American Plenipotentiaries at the last Conference.

The American Plenipotentiaries, after observing that the measures

already adopted, and the proposals formerly made, by The United States, could leave no doubt of their constant and anxious desire to arrange, by amicable regulations, the subject of Impressment, declared their readiness to agree, with some amendments, which they submitted, (A.) to the *Projet* proposed by the British Plenipotentiaries, under a full expectation that an arrangement, thus founded on mutual confidence, could not fail to have a happy effect, both as regarding its immediate object, and in confirming the amicable relations so happily subsisting between the 2 Countries.

It was agreed to meet again on Tuesday, the 6th of October.

ALBERT GALLATIN.

FREDERICK JOHN ROBINSON.

RICHARD RUSH.

HENRY GOULBURN.

(A.)—*American Amendments.*

British Projet.—Impressment.

All words between crotchets to be struck out.

- 1.
2. settle
3. differences

4. employment by either of the 2 Powers of the Subjects or Citizens of the other, in their public or private Marine, and from the practice of Impressment.

5. causes

- 6.

His Majesty the King of the United Kingdom of Great Britain and Ireland, &c. &c. &c. and [the President of]¹ The United States of America, being animated with an equal desire to [remove,]² by amicable regulations, the ³[inconveniences] which have arisen from the ⁴[difficulty of discriminating between the Subjects of the 2 Powers, respectively,] have determined to proceed, without prejudice to the Rights of either Power, to frame such conventional arrangements as may obviate the evils which might hereafter again result from the [circumstances]⁵ above stated, [to the public service, the Commerce, or the Subjects, of either of the Contracting Parties.]⁶ In pursuance of so desirable an object, His said Majesty and the President of The United States, have nominated Plenipotentiaries to discuss and sign a Treaty to this effect.

His Majesty the King of the United Kingdom of Great Britain and Ireland, has nominated the Right Honourable Frederick John Robinson, &c. &c. &c. and Henry

Goulburn, Esq., &c. &c. &c.; and the President of The United States has nominated Albert Gallatin, Esq., &c. &c. &c. and Richard Rush, Esq., &c. &c. &c. who having exchanged their Full Powers, found in good and due form, have agreed upon the following Articles :

ART. I. The High Contracting Parties engage and bind themselves to adopt, without delay, and in the manner that may best correspond with their respective Laws, such measures as may be most effectual for excluding ¹ [the natural born Subjects of either Party from serving in the public or private Marine of the other ;] provided, always, that nothing contained in this Article shall be understood to apply to such natural born Subjects² of either Power, as [may]³ have been naturalized ⁴by ⁵[their] respective Laws, ⁶previous to the ⁷[signature] of the present Treaty. And such measures, when adopted, shall be immediately communicated to each Party, respectively.

II. For the better ascertaining the number of Persons, on either side, that may fall within the exception contained in the preceding Article, the High Contracting Parties engage to deliver, each to the other, within [12]¹ months from the Ratification of the present Treaty, a list ²[of all persons] falling within the said exception, specifying the places of their birth, with the date of their becoming naturalized. And it is further agreed, that ³[none other than the Persons whose names shall] be included in the said Lists, shall be

1. respectively from serving in their public or private Marine, the natural born Subjects or Citizens of the other Party.

2. or Citizens

3. shall

4 with their own consent

5. the

6. of either Power

7. exchange of Ratifications

1. eighteen

2. as far as it may be found practicable to obtain it, of the Seamen.

3. no natural born Subject or Citizen of either Power, whose name shall not

4. unless he shall produce proof of his having been duly naturalized prior to the exchange of Ratifications of this Treaty.

1. by Law.

2. or otherwise, either generally or in special cases.

3. or Citizens.

4. or Citizens.

5. on their return to Port, from the voyage or service in which they may then be engaged, or sooner, if practicable.

1. —

deemed to fall within the said exception.⁴

III. The High Contracting Parties, however, reserve to themselves the power to authorize and permit, ¹ by Proclamation,² their respective Subjects or Citizens to serve in the public or private Marine of the other Country. And it is hereby expressly understood, that so long as such permission shall remain in force, it shall be competent for the Government of the other Power, notwithstanding the engagement set forth in the 1st Article of this Treaty, to admit the performance of the said service. Provided always, that, whenever the Power granting permission to the said Subjects or Citizens to serve in the Marine of the other, shall withdraw the same, notification thereof shall forthwith be made to the other Contracting Party, and on receipt of such notification, the Power receiving the same shall forthwith notify it in the most public and official manner, and shall use its utmost endeavours to restrain the said Subjects³ of the other Party, from further serving in its public or private Marine, and shall enforce the exclusion of such of the said Subjects⁴ of the other Power, as may then be in its service,⁵ as if no such permission had been promulgated.

IV. [In consideration of the Stipulations contained in the preceding Article,] it is agreed by the

2. or any where without the ordinary jurisdiction of either of the 2 Powers, as acknowledged by the Law of Nations.

3. impair or affect the right of either Power to withdraw its natural born Subjects or Citizens, not falling within the exception mentioned in the preceding Articles, from any Vessel lying within its Ports or within its ordinary maritime jurisdiction, as acknowledged by the Law of Nations.

4. (a.)

(a.) See VIth Article; 2.

1. or Citizens.

1. impair, or.

High Contracting Parties, that, during the continuance of the present Treaty, neither Power shall impress or forcibly withdraw, or cause to be impressed or forcibly withdrawn, any Person or Persons, from the Vessels of the other Power, when met upon the high seas,² on any plea or pretext whatsoever: Provided always, that nothing contained in this Article shall be construed to ³[apply to the Vessels of either Power, which may be within the Ports or within the maritime jurisdiction of the other:] ⁴[and also, provided, that nothing herein contained shall be construed to impair or affect the established right of search, as authorized in time of War by the Law of Nations.]

V. The High Contracting Parties have agreed to extend the duration of the present Treaty to 10 years, and they reserve to themselves to concert as to its renewal, at such convenient period, previous to its expiration, as may insure to their respective Subjects¹ the uninterrupted benefit which they expect from its provisions: Provided always, that either Power may, if it deem it expedient, upon giving 6 months previous notice to the other, wholly abrogate and annul the present Treaty.

VI. It is agreed that nothing contained in the preceding Articles, shall be understood to affect¹ the rights and principles on which the High Contracting Parties have heretofore acted, in respect to any of the matters to which these Sti-

2. nor any of the belligerent or neutral rights of either Party, as acknowledged by the Law of Nations.

pulations refer,² except so far as the same shall have been modified, restrained, or suspended, by the said Articles. And whenever the present Treaty shall cease to be in operation, either by the expiration of the term for which it is enacted, without any renewal of the same, or by the abrogation thereof, by either of the Contracting Parties, as hereinbefore provided, or (which God forbid) by any War between the High Contracting Parties, each of the said High Contracting Parties shall stand, with respect to the other, as to its said rights and principles, as if no such Treaty had ever been made.

(5.)—*Protocol of the Fifth Conference, held between the American and British Plenipotentiaries, at Whitehall, 6th October, 1818.*

Present—Mr. Gallatin, Mr. Rush, Mr. Robinson, Mr. Goulburn.

THE Protocol of the preceding Conference was agreed upon and signed.

The British Plenipotentiaries gave in the 5 annexed Articles, on the Fisheries, the Boundary, the Mississippi, the Intercourse between Nova Scotia and The United States, and the Captured Slaves. (A, B, C, D, E.)

It was agreed to meet again on the 9th instant.

ALBERT GALLATIN. FREDERICK JOHN ROBINSON.
RICHARD RUSH. HENRY GOULBURN.

(Annex.)—*British Counter Projet.*

ART. A.—*Fisheries.*—It is agreed that the inhabitants of The United States shall have liberty to take fish, of every kind, on that part of the southern Coast of Newfoundland which extends from Cape Ray to the Quirpon Islands, and on that part of the southern and eastern Coasts of Labrador which extends from Mount Joly to Huntingdon Island; and it is further agreed that the Fishermen of The United States shall have liberty to dry and cure fish in any of the unsettled Bays, Harbours, and Creeks, of the said south and east Coasts of Labrador, so long as the same shall remain unsettled; but, as soon as the same, or any part of them, shall be settled, it shall not be lawful for the said Fishermen

to dry or cure fish, on such part as shall be settled, without a previous agreement for that purpose with the inhabitants, proprietors, or possessors of the ground.

And it is further agreed, that nothing contained in this Article shall be construed to give to the inhabitants of The United States any liberty to take fish within the Rivers of His Britannic Majesty's Territories, as above described; and it is agreed, on the part of The United States, that the Fishermen of The United States resorting to the mouths of such Rivers, shall not obstruct the navigation thereof, nor wilfully injure nor destroy the fish within the same, either by setting nets across the mouths of such Rivers, nor by any other means whatever.

His Britannic Majesty further agrees, that the Vessels of The United States, *bonâ fide* engaged in such Fishery, shall have liberty to enter the Bays and Harbours of any of His Britannic Majesty's Dominions in North America, for the purpose of shelter, or of repairing damages therein, of purchasing wood and obtaining water, and for no other purpose whatever; but under such restrictions as may be necessary to prevent their taking, drying, or curing fish therein.

It is further well understood, that the liberty of taking, drying, and curing fish, granted in the preceding part of this Article, shall not be construed to extend to any privilege of carrying on trade with any of His Britannic Majesty's Subjects, residing within the limits hereinbefore assigned for the use of the Fishermen of The United States, for any of the purposes aforesaid.

And, in order the more effectually to guard against smuggling, it shall not be lawful for the Vessels of The United States, engaged in the said fishery, to have on board any goods, wares, or merchandise, whatever, except such as may be necessary for the prosecution of the Fishery, or the support of the Fishermen whilst engaged therein, or in the prosecution of their voyages to and from the said fishing grounds. And any Vessel of The United States which shall contravene this regulation may be seized, condemned, and confiscated, together with her Cargo.

B.—Boundary.—It is agreed that a line, drawn from the most north-western point of the Lake of the Woods, along the 49th parallel of latitude, or, if the said point shall not be in the 49th parallel of north latitude, then, that a line drawn due north or south, as the case may be, until it shall intersect the said parallel of north latitude, and from the point of such intersection, due west, along, and with, the said parallel, shall be the line of demarcation between the Territories of His Britannic Majesty and those of The United States, and that the said line shall form the southern Boundary of the said Territories of His Britannic Majesty, and the northern Boundary of the Territories of The United States, from the said Lake of the Woods to the Stoney Moun-

tains; and, in order to prevent any disputes as to the territorial rights of either of the Contracting Parties, on the northwest Coast of America, or any where to the westward of the Stoney Mountains, it is agreed, that so much of the said Country as lies between the 45th and 49th parallels of latitude, together with its Bays, Harbours, and Creeks, and the navigation of all Rivers within the same, shall be free and open to the Subjects and Citizens of the 2 States, respectively, for the purposes of Trade and Commerce; it being well understood that, although by virtue of this arrangement, the 2 High Contracting Parties agree not to exercise as against each other, any sovereign or territorial authority within the abovementioned Country, lying between the 45th and 49th parallels of latitude, this Agreement is not to be construed to the prejudice of any Claim which either of the 2 High Contracting Parties may have to any territorial authority in any part of the Country lying within the said Limits: nor shall it be taken to affect the Claim of any other Power or State to any part of the said Country,—the only object of the 2 High Contracting Parties being to prevent disputes and differences between themselves.

C.—*Mississippi*.—It is further agreed, that the Subjects of His Britannic Majesty shall have and enjoy the free navigation of the River Mississippi, from its source to the Ocean, and shall at all times have free access, from such place as may be selected for that purpose in His Britannic Majesty's Territories, to the River Mississippi, with goods, wares, and merchandise, the importation of which, into The United States, shall not be entirely prohibited, on the payment of the same duties as would be payable on the importation of the same articles into the Atlantic Ports of The United States.

D.—*Nova Scotia, &c.*—British Vessels shall have liberty to export, from any of the Ports of The United States to which any Foreign Vessels are permitted to come, to the Ports of Halifax, in His Britannic Majesty's Province of Nova Scotia, to the Port of St. John's in His Britannic Majesty's Province of New Brunswick, and to any other Port within the said Provinces of Nova Scotia or New Brunswick, to which Vessels of any other Foreign Nation shall be admitted; the following articles, being of the growth, produce, or manufacture, of The United States, viz: scantling, planks, staves, heading boards, shingles, hoops, horses, neat cattle, sheep, hogs, poultry, or live stock of any sort, bread, biscuit, flour, peas, beans, potatoes, wheat, rice, oats, barley, or grain of any sort, pitch, tar, turpentine, fruits, seeds, and tobacco.

And Vessels of The United States shall, in like manner, have liberty to import, from any of the aforesaid Ports of The United States, into any of the aforesaid Ports within the said Provinces of Nova Scotia and New Brunswick, the abovementioned articles, being of the growth, produce, or manufacture, of The United States.

British Vessels shall also have liberty to import, from any of the aforesaid Ports, within the Provinces of Nova Scotia and New Brunswick, into any of the aforesaid Ports of The United States, gypsum and grindstones, or any other articles, being of the growth, produce, or manufacture, of the said Provinces, and also, any produce or manufacture of any part of His Britannic Majesty's Dominions, the importation of which, into The United States, shall not be entirely prohibited.

And Vessels of The United States shall have liberty to import from the said Provinces to the said United States, slates, gypsum, and grindstones, or any other article, being of the growth, produce, or manufacture, of any part of His Britannic Majesty's Dominions, the importation of which into The United States, from any other place, shall not be entirely prohibited.

The Vessels of either of the 2 Parties, employed in the Trade provided for by this Article, shall be admitted into the Ports of the other Party, as abovementioned, without paying any other or higher duties, or charges, than those payable in the same Ports by the Vessels of such other Party. The same duties shall also be paid, respectively, in the Dominions of both Parties, on the importation and on the exportation of the articles which may be imported or exported, by virtue of this Article, and the same bounties shall also be allowed on the exportation thereof, whether such importation or exportation shall be in Vessels of The United States or in British Vessels.

E.—*Captured Slaves*.—Whereas it was provided by the first Article of the Treaty of Ghent, that "all Territory, Places, and Possessions, whatsoever, taken by either Party from the other during the War, or which may be taken after the signing of this Treaty, excepting only the Islands hereinafter mentioned, shall be restored without delay, and without causing any destruction, or carrying away any of the artillery, or other public property, originally captured in the said Forts or Places, and which shall remain therein upon the exchange of the Ratifications of this Treaty, or any Slaves or other private property;" And whereas doubts have arisen whether certain Slaves, originally captured in certain Forts and Places belonging to The United States, and removed therefrom, but remaining within the Territories of The United States, or on board the Ships of His Britannic Majesty, lying within the Harbours of The United States at the time of the exchange of the Ratifications of the said Treaty, are to be restored under the above recited Provisions of the said Treaty. The High Contracting Parties do hereby agree to refer the said doubts to some friendly Sovereign or State, to be named for that purpose; and the High Contracting Parties further engage to consider the decision of such friendly Sovereign or State to be final and conclusive on all the matters so referred.

(6.)—*Messrs. Gallatin and Rush to Messrs. Robinson and Goulburn.*
London, 7th October, 1818.

MR. GALLATIN and Mr. Rush present their compliments to Mr. Robinson and Mr. Goulburn, and beg leave to send them the enclosed Paper, containing some remarks on the Articles handed to them at the Conference yesterday. They are to be considered as unofficial, according to the intimation given yesterday, when they were promised, and have been drawn up merely under the hope that, by possessing the British Plenipotentiaries of some of the views of the American Plenipotentiaries, before the next meeting on the 9th, the progress of the Negotiation may be accelerated.

ALBERT GALLATIN.

Messrs. Robinson and Goulburn.

RICHARD RUSH.

(*Enclosure.*)—*American Remarks on British Counter Projet.*

Fisheries —THE American Plenipotentiaries are not authorized by their Instructions to assent to any Article on that subject, which shall not secure to the inhabitants of The United States the liberty of taking Fish of every kind on the southern Coast of Newfoundland, from Cape Ray to the Ramea Islands, and on the Coasts, Bays, Harbours, and Creeks, from Mount Joly, on the southern Coast of Labrador, to and through the Straits of Belle Isle; and thence, northwardly, indefinitely, along the Coast: and, also, the liberty of drying and curing Fish in any of the unsettled Bays, Harbours, and Creeks, of Labrador, and of the southern Coast of Newfoundland, as above described; with the proviso respecting such of the said Bays, Harbours, and Creeks, as may be settled.

The liberty of taking Fish within Rivers is not asked. A positive clause to except them is unnecessary, unless it be intended to comprehend, under that name, waters which might otherwise be considered as Bays or Creeks. Whatever extent of fishing ground may be secured to American Fishermen, the American Plenipotentiaries are not prepared to accept it on a tenure, or on conditions different from those on which the whole has heretofore been held. Their Instructions did not anticipate that any new terms or restrictions would be annexed, as none were suggested in the proposals made by Mr. Bagot to the American Government. The clauses forbidding the spreading of nets, and making Vessels liable to confiscation, in case any articles not wanted for carrying on the Fishery should be found on board, are of that description, and would expose the Fishermen to endless vexations.

Mississippi.—The American Plenipotentiaries are not authorized to agree to any condition that would bring the British in contact with the Mississippi. The right to the Navigation of that River could only be derived from the Treaty of 1783; and, if viewed as a matter of compromise, that right is much less valuable and important than the

portion of the Fisheries which The United States would lose by the agreement, even on the terms proposed by them.

Boundary.—That portion of the Article which relates to the Country west of the Stoney Mountains, cannot be agreed to in its present shape. The American Plenipotentiaries cannot consent to throw in a common stock that part only of the Country to which The United States deny the claim of Great Britain, and which lies within the same latitudes as their own Territories east of the Stoney Mountains; thus, also, implying the exclusion of their Citizens from the Trade on the Northwest Coast of America, (north of 49°,) which they have enjoyed without interruption for a number of years, and as early as the British.

Nor are they authorized to agree to expressions implying a renunciation of territorial sovereignty, although perfectly disposed not to insist on an extension of the line of demarcation to that Country. They will propose either that the whole of the Article relating to that subject, and immediately following the words, *to the Stoney Mountains*, should be omitted, inserting in lieu thereof a proviso similar to what had, on former occasions, been agreed to, viz: "But nothing in the present Article shall be construed to extend to the northwest Coast of America, or to Territories belonging to or claimed by either Party on the Continent of America westward of the Stoney Mountains." Or, that the proposed Article should be amended in the manner stated in the enclosed copy.

Slaves.—The American Plenipotentiaries had hoped that this subject might have been arranged without a reference to a friendly Power. If this cannot be done, they will agree to the reference; observing, however, that a change in the phraseology will be necessary, so as to bring the whole claim before the Foreign Sovereign. They are also authorized to agree that the Emperor of Russia should, by the Article, be designated as the Umpire.

ALBERT GALLATIN.

RICHARD RUSH.

(7.)—*Protocol of the Sixth Conference held between the American and British Plenipotentiaries, at Whitehall, 9th October, 1818.*

Present:—Mr. Gallatin, Mr. Rush, Mr. Robinson, Mr. Goulburn.

THE American Plenipotentiaries declared that they could not agree to the Article upon the Fisheries brought forward by the British Plenipotentiaries at the preceding Conference, nor to that respecting the Navigation of the Mississippi, nor to any Article that would bring the British in contact with that River.

They also stated that they could not take into consideration the Article respecting the intercourse with Nova Scotia and New Brunswick, unconnected with the subject of the British West Indies.

They presented several Amendments (A, B,) to the Articles res-

pecting the Boundary Line, and Slaves carried away, proposed at the last Conference by the British Plenipotentiaries.

It was agreed to meet again on Tuesday, the 13th instant.

ALBERT GALLATIN. FREDERICK JOHN ROBINSON.

RICHARD RUSH. HENRY GOULBURN.

British Projet.—Boundary Line.

American Amendments.

ARTICLE.—It is agreed that a line, drawn from the most north-western point of the Lake of the Woods, along the 49th parallel of latitude, or if the said point shall not be in the 49th parallel of north latitude, then that a line drawn¹ due north or south, as the case may be, until² [it] shall intersect the said parallel of north latitude, and from the point of such intersection, due west, along and with the said parallel, shall be the line of demarcation between the Territories of His Britannic Majesty and those of The United States, and that the said line shall form the southern Boundary of the said Territories of His Britannic Majesty, and the northern Boundary of the Territories of The United States, from the said Lake of the Woods to the Stoney Mountains,* and³ [in order to prevent any disputes as to the territorial rights of either of the Contracting Parties on the north-west Coast of America, or any where to the westward of the Stoney Mountains, it is agreed that so much of the said Country as lies between the 45th and 49th parallels of latitude,] together with its Harbors, Bays, and Creeks,

A.

1. from the said point.
2. the said line.

3. it is further agreed, that so much of the Country on the north-west Coast of America, or any where to the westward of the Stoney Mountains, as may be claimed by, or be in the possession of, either of the 2 Parties.

* Or all the words that follow to be omitted, and the following to be inserted in lieu thereof, viz.

“ But nothing in the present Article shall be construed to extend to the north-west Coast of America, or to the Territories belonging to, or claimed by, either Party, on the Continent of America, Westward of the Stoney Mountains.”

and the Navigation of all Rivers within the same, shall be free and open to the Subjects and Citizens of the 2⁴ [States] respectively, for the purpose of trade and commerce: it being well understood, that⁵ [although by virtue of this arrangement, the 2 High Contracting Parties agree not to exercise as against each other, any other sovereign or territorial authority within the above-mentioned Country, lying between the 45th and 49th parallels of latitude,] this agreement is not to be construed to the prejudice of any claim which either of the 2 High Contracting Parties may have to any territorial authority in any part of the Country,⁶ [lying within the said limits,] nor shall it be taken to affect the claim of any other Power or State to any part of the said Country, the only object of the 2 High Contracting Parties being to prevent disputes and differences between themselves.

Captured Slaves.

ARTICLE. Whereas it was agreed by the 1st Article of the Treaty of Ghent, that "all Territory, Places, and Possessions, whatsoever, taken by either Party from the other during the war, or which may be taken after the signing of this Treaty, excepting only the Islands hereinafter mentioned, shall be restored without delay, and without causing any destruction, or carrying away any of the artillery, or other public property, originally captured in the said Forts or Places, and which shall remain therein upon the exchange of the

4. Powers.

5. —.

6. aforesaid.

B.

Ratifications of this Treaty, or any Slaves or other private property ;" and whereas, ¹[doubts have arisen, whether certain Slaves, originally captured in certain Ports and Places belonging to The United States, and removed therefrom, but remaining within the Territories of The United States, or on board the Ships of His Britannic Majesty lying within the Harbours of The United States, at the time of the exchange of the Ratifications of the said Treaty, are to be restored under the above recited provisions of the above Treaty ;] the High Contracting Parties do hereby agree to refer the said² [doubts to some friendly Sovereign or State, to be named for that purpose,] and the High Contracting Parties engage to consider the decision of³[such friendly Sovereign or State to be] final and conclusive on all the matters referred.

B.

1. Under the aforesaid Article, The United States claim for their Citizens, and as their private property, the restitution of, or full compensation for, all Slaves, who, at the date of the exchange of the Ratifications of the said Treaty, were in any Territory, Places, or Possessions whatsoever, directed by the said Treaty to be restored to The United States, but then still occupied by the British Forces, and who were afterwards removed or carried away by the said Forces ; whether such Slaves were, at the date aforesaid, on shore, or on board any British Vessels lying in waters within the Territory or jurisdiction of The United States. And whereas, differences have arisen, whether, by the true intent and meaning of the aforesaid Article of the Treaty of Ghent, The United States are entitled to the restitution of, or full compensation for, all Slaves as above described.

2. Differences to His Imperial Majesty, the Emperor of all the Russias.

3. His said Imperial Majesty.

(8).—*Messrs. Gallatin and Rush to Messrs. Robinson and Goulburn.*

London, 12th October, 1818.

MR. GALLATIN and Mr. Rush present their compliments to Mr. Robinson and Mr. Goulburn, and beg leave to state, that on full consideration, since the meeting on Friday, they do not feel themselves authorized to consent to the condition annexed to the IInd Article of the Projet on Impressment, which declares that "none other than the persons whose names shall be included in the said Lists, shall be deemed to fall within the said exception." Their reasons are stated in the enclosed unofficial Memorandum.

Mr. Gallatin and Mr. Rush give this notice of their disagreement, previous to the meeting fixed for to-morrow, in the hope that, if the alteration which they have heretofore proposed, should not, contrary

to their expectations, be found acceptable, some other amendment or modification may suggest itself to the British Plenipotentiaries, rather than that the arrangement should fall through.

ALBERT GALLATIN.

Messrs. Robinson and Goulburn.

RICHARD RUSH.

(Enclosure.)—*American Memorandum.—Lists of Seamen naturalized.*

It is required by the British Plenipotentiaries that Persons whose names shall not appear on the Lists of naturalized Seamen, to be mutually furnished by the 2 Governments, shall not be considered as falling within the exception contemplated by the Agreement; that is to say, that such Persons, although naturalized, shall, respectively, be excluded from the public or private Marine of either Party.

But it is impracticable for the Government of The United States to procure complete Lists of naturalized Seamen, for the following reasons :

Prior to the year 1790, Aliens might be naturalized according to the Laws of the several States; and it is known that in some of them, Pennsylvania for instance, the naturalization took place before Justices of the Peace. In these cases, and also where the Records of a Court may have been destroyed, it would be found difficult, if not impossible, to obtain any other evidence of the naturalization than the Certificate given at the time to the naturalized person.

Since the Year 1790, although the term of previous residence has varied, the mode has been uniform. Aliens have been naturalized only in conformity with the Laws of The United States, and before such Courts of Record as were designated by those Laws, but that designation embraced not only the Courts of The United States, properly so called, but also the Courts of the several States, including even those of a subordinate jurisdiction, amounting, together, to several hundred. It is necessary to add, that minor Children of naturalized Persons, if dwelling in The United States, become also, by virtue of their Father's naturalization, *ipso facto*, naturalized themselves.

If an attempt be made to compile the Lists required from the Records of those several Courts, a first and leading objection is, that the Courts of the several States, not being bound to obey, in that respect, the Orders of the General Government, it will be optional with them whether the Clerks shall abstract, from the Records of 30 Years, those of the naturalization of Aliens, which are interspersed among them, and transmit those Abstracts to the Government of The United States.

But, supposing that every one of those Courts should comply with the Order, the Lists must contain the names of all the British natural born Subjects, (and for the Years 1790 to 1795, during which time no discrimination of birth-place was recorded of all aliens,) who have

been naturalized for a period of 30 years, without pointing out those who were seamen, no specification of the profession or calling of the Parties ever having been required by Law to be entered on the Records. And those Lists, although containing the names of many thousand Persons, not Seamen, would be defective, by the total omission of the names of the minor Children above mentioned, their names not having been directed, by Law, to make part of the Record, and the burthen of the proof of their Citizenship resting with themselves.

There is but one other source of information from which the Lists required might be partially obtained.

The Collectors of Customs have been required, by a Law passed in 1796, to keep Books, in which the names of Seamen, Citizens of The United States, should, on their application, be entered. It is known that this Law was never fully complied with, and that the Returns are defective. But, even in the cases where the Collectors have complied with it, the Registers must, necessarily, be incomplete, since no names were entered but on the application of the Parties; besides which, the names of the native Citizens were not, by the Law, directed to be distinguished from those of naturalized Persons.

From this statement of facts, it follows that, although partial Lists may be compiled, which will contain the names of many naturalized British Seamen, those Lists will still be very imperfect. If the condition now urged were complied with, the consequence would be, that Aliens, naturalized prior to the Treaty, who have become Citizens of The United States on the faith of a public Law, and are, thereby, entitled to every political and civil right enjoyed by Native Citizens, (that of becoming President or Vice President of The United States only excepted) would, by a retrospective, and therefore unconstitutional act, be deprived, not of a privilege merely political, but of the right of exercising the only profession they have, for the support of themselves and their families. And Minors, too, who have never known any other Country but America, would be precluded from following the seas when they came to a proper age.

The American Plenipotentiaries cannot assent to a condition involving such results. They are expressly bound, by their Instructions, whilst admitting, as a general principle, that neither Government shall employ, in its public or private Marine, the natural born Subjects or Citizens of the other Country, to except from its operation all those who shall have been naturalized prior to the Treaty. That exception has been mutually assumed, as one of the foundations of the agreement; and the effect of the condition alluded to, would necessarily be, that a portion only of the Persons thus previously naturalized in The United States, would be embraced by the exception.

The American Plenipotentiaries beg leave to add, that the condition appears to them unnecessary. According to that which they pro-

pose, every British natural born subject, not included in the Lists, and claiming to be employed as a Seaman on board an American Vessel, must adduce proof of his having been naturalized prior to the exchange of the Ratifications. He must produce either the original Certificate of his naturalization, or an authentic Copy, attested as such by the proper Court. If claiming as a Minor, by virtue of his Father's naturalization, he must, in addition, produce legal proofs of the fact. In the cases for which the condition is intended to provide, proofs may always be given, similar to those which, in every case, would be admitted as conclusive, it is believed, by the Laws of Great Britain, as well as by those of The United States.

Finally, the right reserved to either Party, of annulling the Agreement at will, affords security in this case, as well as in all others. This reservation, which had not been contemplated by the Government of The United States, has been acceded to by their Plenipotentiaries, in order to remove every objection to the Arrangement, and to avoid the necessity of entering into details respecting the measures necessary to carry it into effect. Great Britain being, thereby, effectually secured against every risk, and holding in her own hands a complete remedy against deviations from the terms of the compact in all cases, no necessity appears to exist for an additional security on this particular point.

(9.)—*Protocol of the Seventh Conference, held between the American and British Plenipotentiaries, at Whitehall, 13th October, 1818.*

Present :—Mr. Gallatin, Mr. Rush, Mr. Robinson, Mr. Goulburn.

THE British Plenipotentiaries acquiesced in the amendment proposed at the preceding Conference by the American Plenipotentiaries, in the Article respecting Captured Slaves, except as far as related to the insertion, in the Article, of the name of any particular Power.

They brought forward new Articles, (A, B, C, D, E,) respecting the Fisheries, the Boundary, Impressment, and Maritime Points, and accompanied the Articles D, with the annexed Memorandum E. They agreed to the omission of the Article respecting the Mississippi.

It was agreed to meet again on Monday, the 19th instant.

ALBERT GALLATIN.	FREDERICK JOHN ROBINSON.
RICHARD RUSH.	HENRY GOULBURN.

(Annex.)—*British Second Counter Projet.*

ART. A.—*Fisheries.*—Whereas differences have arisen respecting the liberty claimed by The United States for the inhabitants thereof to take, dry, and cure Fish, on certain Coasts, Bays, Harbours, and Creeks, of His Britannic Majesty's Dominions in America: it is agreed between the

High Contracting Parties, that the inhabitants of the said United States shall have, for ever, in common with the Subjects of His Britannic Majesty, the liberty to take Fish of every kind on that part of the Southern Coast of Newfoundland, which extends from Cape Ray to the Ramea Islands, on the Western and Northern Coast of Newfoundland, from the said Cape Ray to the Quirpon Islands, on the Shores of the Magdalen Islands, and also on the Coasts, Bays, Harbours, and Creeks, from Mount Joly, on the Southern Coast of Labrador, to and through the Streights of Belle Isle, and thence northwardly, indefinitely, along the Coast, without prejudice, however, to any of the exclusive rights of the Hudson's Bay Company; and that the American Fishermen shall also have liberty, for ever, to dry and cure Fish in any of the unsettled Bays, Harbours, and Creeks, of the southern part of the Coast of Newfoundland, hereabove described, and of the Coast of Labrador; but so soon as the same, or any portion thereof, shall be settled, it shall not be lawful for the said Fishermen to dry or cure Fish at such portion so settled, without previous agreement for such purpose with the inhabitants, proprietors, or possessors of the ground. And The United States hereby renounce, for ever, any liberty heretofore enjoyed or claimed by the inhabitants thereof, to take, dry, or cure Fish on, or within 3 marine miles of, any of the Coasts, Bays, Creeks, or Harbours, of His Britannic Majesty's Dominions in America, not included within the above-mentioned limits: provided, however, that the American Fishermen shall be admitted to enter such Bays or Harbours for the purpose of shelter, and of repairing damages therein, of purchasing wood, and of obtaining water, and for no other purpose whatever. But they shall be under such restrictions as may be necessary to prevent their taking, drying, or curing Fish therein, or in any other manner whatever abusing the privileges hereby reserved to them.

B.—Boundary.—It is agreed that a line, drawn from the most north-western point of the Lake of the Woods, along the 49th parallel of north latitude, or if the said point shall not be in the 49th parallel of north latitude, then that a line, drawn from the said point, due north or south, as the case may be, until the said line shall intersect the said parallel of north latitude, and from the point of such intersection, due west, along and with the said parallel, shall be the Line of Demarcation between the Territories of His Britannic Majesty and those of The United States; and that the said line shall form the southern Boundary of the said Territories of His Britannic Majesty, and the northern Boundary of the Territories of The United States, from the Lake of the Woods to the Stoney Mountains. But nothing in the preceding part of this Article shall be construed to extend to the north-west Coast of America, or to Territories belonging to, or claimed by, either Party, on the Continent of America westward of the Stoney Mountains; and any such Country as may be claimed by either Party westward of the Stoney Mountains, shall, together with its Harbours, Bays,

and Creeks, and the navigation of all Rivers within the same, be free and open to the Vessels, Subjects, or Citizens, of the 2 Powers, respectively, for the purposes of Trade and Commerce. It being well understood that nothing contained in this Article shall be taken to affect the Claims of any other Power or State to any part of the said Country, the only object of the 2 High Contracting Parties being to prevent disputes and differences between themselves.

C.—Impressment.

His Majesty the King of the United Kingdom of Great Britain, &c. &c. &c. and The United States of America, animated with an equal desire to prevent, by Conventional Regulations, the recurrence of inconveniences, which have heretofore arisen from the employment of the natural born Subjects of His Britannic Majesty in the public or private Marine of The United States, and from the employment of the natural born Citizens of The United States in the public or private Marine of His Britannic Majesty, have nominated Plenipotentiaries to negotiate a Convention for this desirable object.

His Majesty the King of the United Kingdom of Great Britain and Ireland, &c. &c. &c. has nominated the Right Honourable Frederick John Robinson, &c. &c. &c. and Henry Goulburn, Esq. &c. &c. &c., and the President of The United States has nominated Albert Gallatin, Esq. &c. &c. &c. and Richard Rush, Esq. &c. &c. &c. who, having exchanged their Full Powers, found in good and due form, have agreed upon, and signed, the following Articles :

ART. I. The High Contracting Parties engage and bind themselves to adopt, respectively, without delay, the most effectual measures for excluding, respectively, from serving either in their public or private Marine, the natural born Subjects and the natural born Citizens of the other Party, that is to say : His Majesty the King of the United Kingdom of Great Britain and Ireland, for excluding the natural born Citizens of The United States from serving either in the public or private Marine of his Dominions ; and The United States, for excluding the natural born Subjects of His Britannic Majesty from serving either in the public or private Marine of The United States ; and such measures when adopted, shall be immediately communicated by each Party to the other : provided always, that nothing contained in this Article shall be understood to apply to any Seamen, being natural born Subjects of His Britannic Majesty, or natural born Citizens of The United States, who have been naturalized by the respective Laws of either Power, previous to the signature of the present Convention.

II. The High Contracting Parties engage to deliver, each to the other, within 18 months from the Ratification of the present Convention, a List, as far as it may be found practicable to obtain it, containing the names and description of the Seamen falling within the said exception, specifying the places of their birth, and the date of

their becoming naturalized. And it is further agreed, that no Person, whose name shall not be included in the said Lists, shall be deemed to fall within the said exceptions.

III. It is, however, agreed, that, if one of the High Contracting Parties shall, at any time during the continuance of this Convention, think fit to notify to the other that it does not insist upon the exclusion of its natural born Subjects, or natural born Citizens, from the public or private Marine of the other Party, it shall be competent to the said other Party, notwithstanding the engagement set forth in the first Article of this Convention, no longer to exclude the said Subjects or Citizens: Provided always, that, whenever the Power which has made the said Notification shall recal the same, its recal shall be immediately communicated to the other Contracting Party; and, on receipt of such communication, the Power receiving the same shall forthwith make it known, in the most public and official manner, and shall use its utmost endeavours to restrain the said Subjects or Citizens of the other Party from further serving in its public or private Marine, and shall enforce the exclusion of such of the said Subjects or Citizens of the other Power as may then be in its service, as if no such Stipulations as are contained in the preceding part of this Article had been agreed to.

IV. It is agreed by the High Contracting Parties, that during the continuance of the present Convention, neither Power shall impress or forcibly withdraw, or cause to be impressed or forcibly withdrawn, any Person or Persons from the Vessels of the other Party, when met upon the high seas, or upon the narrow seas, on any plea or pretext whatsoever: Provided always, that nothing contained in this Article shall be construed to impair or affect the rights of either Power to impress, or forcibly withdraw, or cause to be impressed or forcibly withdrawn, its natural born Subjects or natural born Citizens, not falling within the exceptions mentioned in the preceding Articles, from any Vessel being within its Ports, or within its ordinary maritime jurisdiction, as acknowledged by the Law of Nations; and also provided, that nothing herein contained shall be construed to impair or affect the established Right of Search, as authorized in time of War by the Law of Nations.

V. The High Contracting Parties have agreed to extend the duration of the present Treaty to 10 years, and they reserve to themselves to concert as to its renewal, at such convenient periods, previous to its expiration, as may ensure to their respective Subjects or Citizens, as aforesaid, the uninterrupted benefit which they expect from its provisions: Provided always, that either Power may, if it deem it expedient, upon giving 6 months' previous notice to the other, wholly abrogate and annul the present Treaty.

VI. It is agreed that nothing contained in the preceding Articles
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shall be understood to impair or affect the rights and principles on which the High Contracting Parties have heretofore acted, in respect to any of the matters to which these Stipulations refer, except so far as the same shall have been modified, restrained, or suspended, by the said Articles. And whenever the present Convention shall cease to be in operation, either by the expiration of the term for which it is enacted, without any renewal of the same, or by the abrogation thereof by either of the Contracting Parties, as herein before provided, or (which God forbid) by any War between the High Contracting Parties, each of the said High Contracting Parties shall stand, with respect to the other, as to its said rights and principles, as if no such Convention had ever been made.

D.—Maritime Rights, &c.

(a.)—Whenever one of the High Contracting Parties shall be at War, any Vessel of the other Party, sailing for a Port or Place belonging to an Enemy of the Party at War, without knowing that the same is blockaded, may be turned away from such Port or Place; but she shall not be detained on account of such Blockade, unless, after such notice, she shall again attempt to enter. And, in order to determine what characterizes a Blockade, it is agreed that that denomination shall apply only to a Port where there is, by the disposition of the Power which blockades it with a Naval Force, stationary or sufficiently near, an evident danger in entering.

(b.)—In order to regulate what is in future to be deemed contraband of War, it is agreed that, under the said denomination shall be comprised all arms and implements, serving for the purposes of War, by land or by sea, such as cannon, mortars, muskets, pistols and other fire arms, petards, bombs, grenades, carcasses, saucisses, rockets, carriages for cannon, firelocks, musket-rests, bandoliers, gunpowder, saltpetre, matchballs and bullets, helmets or head pieces, cuirasses, swords, pikes, halberts, lances, javelins, saddles, bridles, and other horse furniture, holsters, pouches, belts, and, generally, all other implements of War; as, also, timber for shipbuilding, tar or rosin, copper in sheets, sails, hemp and cordage, and, generally, whatever may serve directly to the equipment of Vessels,—unwrought iron and planks only excepted; and all the above articles are hereby declared to be just objects of confiscation, whenever they are attempted to be carried to an Enemy.

(c.)—In all cases of unfounded detention, or other contravention of the regulations stipulated by the present Treaty, the Owners of the Vessel and Cargo detained shall be allowed damages proportioned to the loss occasioned thereby, together with the costs and charges of the trial. All proper measures shall be taken to prevent delays in deciding the cases of Ships or Cargoes so brought in for adjudication, and in payment or recovery of any indemnification adjudged or agreed to be paid to the Masters or Owners of such Ships or Cargoes. And whenever

Sentence shall be pronounced against any Vessel thus captured or detained, or against her Cargo or any part thereof, a duly authenticated Copy of all the Proceedings in the Cause, and of the said Sentence, shall, if required, be delivered, without delay, to the Commanders of the said Vessels, or to the Owner thereof, or to the Agent of either, on payment of all legal fees and demands for the same.

The Commanders of Ships of War and Privateers, of the Belligerent Party, shall, in the searching of the Merchant Ships of the other Party, conduct themselves according to the acknowledged principles and rules of the Law of Nations, and as favorably, moreover, as towards the most friendly Power that may remain neuter. The said Commanders, their Officers, and Crews, shall forbear doing any damage to the Subjects or Citizens of the other Party, or committing any outrage against them, and, if they act to the contrary, they shall be punished, and shall also make satisfaction and reparation for all damages, and the interest thereof, of whatever nature the said damages may be.

(d.)—The Ships of War and Privateers of the 2 Nations, as well as their Prizes, shall be treated, in their respective Ports, as those of the most favoured Nation.

It shall not be lawful for any Power or State, at War with either of the High Contracting Parties, or the Subjects or Citizens of such Power or State, to fit out, or arm, Ships of War or Privateers, in the Ports of the other of the High Contracting Parties, nor to sell what they may take as Prize from the Ships or Vessels of the High Contracting Party with whom such Power or State may be at War, in the Ports of the other, nor in any other manner to exchange the same; nor shall they be allowed to purchase more provisions than shall be necessary for their going to the nearest Port of that Power or State to which they belong.

(e.)—In the event of a Shipwreck happening to any Vessel or Vessels belonging to either of the High Contracting Parties or their Subjects and Citizens, on the Coasts of the other, every assistance shall be given for the protection of the unfortunate Persons, and for the preservation of the Ship, Cargo, and all effects which may be saved, either from on board the Ship, or in any other manner whatever; and the same shall not be concealed, nor detained, nor damaged, under any pretext whatever. On the contrary, the same shall be preserved and restored to them, upon a suitable recompense being given to those who shall have assisted in saving their Persons, Vessels, or Effects.

(f.)—If at any time a rupture should take place, (which God forbid) between His Britannic Majesty and The United States, neither the Debts due from Individuals of one of the 2 Nations to Individuals of the other, nor shares or monies which they may have in the Public Funds, or in the Public or Private Banks, shall be sequestered or con-

fiscated; and the Merchants and others of each of the 2 Nations residing in the Dominions of the other, shall in no case be detained as Prisoners of War; but they shall be permitted to remove, with their families, effects, and property; each Government having, nevertheless, the right, during their remaining in its Dominions, to make such regulations, and to take such precautions, as it may deem necessary with respect to such Persons.

E. *Memorandum*.—Upon the subject of those Articles numbered from *a* to *k*, which were brought forward by the American Plenipotentiaries, and annexed to the Protocol of the Third Conference, the British Plenipotentiaries stated, that, although they were not instructed to bring any of these topics before the Conferences on the part of Great Britain, and although they considered it by no means necessary that the 2 Countries should now come to any Conventional Arrangement relating to them, they were, nevertheless, ready to agree to the annexed Articles, (*a, b, c, d, e, f,*) which embraced all the points upon which, in their judgment, it was expedient that the 2 Countries should enter into positive Stipulations.

Slaves.—Whereas, it was agreed, by the 1st Article of the Treaty of Ghent, that “All Territory, Places, and Possessions, whatsoever, taken by either Party from the other during the War, or which may be taken after the signing of this Treaty, excepting only the Islands hereinafter mentioned, shall be restored without delay, and without causing any destruction, or carrying away any of the Artillery, or other public Property, originally captured in the said Forts or Places, which shall remain therein upon the exchange of the Ratifications of this Treaty, or any Slaves or other private Property.” And whereas, under the aforesaid Article, The United States claim for their Citizens, and as their private Property, the restitution of, or full compensation for, all Slaves who, at the date of the exchange of the Ratifications of the said Treaty, were in any Territory, Places, or Possessions, whatsoever, directed by the said Treaty to be restored to The United States, but then still occupied by the British Forces, whether such Slaves were, at the date aforesaid, on shore, or on board any British Vessel lying in Waters within the Territory or Jurisdiction of The United States: and whereas, differences have arisen whether, by the true intent and meaning of the aforesaid Article of the Treaty of Ghent, The United States are entitled to the restitution of, or full compensation for, all or any Slaves, as above described: the High Contracting Parties do hereby agree to refer the said difference to some friendly Sovereign or State to be named for that purpose; and the High Contracting Parties further engage to consider the decision of such friendly Sovereign or State, to be final and conclusive on all the matters referred.

(10.)—*American Amendment to Boundary Article, (proposed at the Eighth Conference.)*

In lieu of the latter part of the Article, insert,

And it is agreed, that any such Country as may be claimed by either Party on the northwest Coast of America, or on the Continent of America westward of the Stoney Mountains, shall, together with its Harbours, Bays, and Creeks, and the Navigation of all Rivers within the same, be free and open, for the term of 10 years, from the date of the signature of this Treaty, to the Vessels, Citizens, and Subjects, of the 2 Powers; it being well understood, that this Agreement is not to be construed to the prejudice of any claim which either of the 2 High Contracting Parties may have to any part of the last mentioned Country; nor shall it be taken to affect the claims of any other Power or State to any part of the said Country—the only object of the 2 High Contracting Parties, in that respect, being to prevent disputes and differences amongst themselves.

(11.)—*Protocol of the Eighth Conference, held between the American and British Plenipotentiaries, at Whitehall, 19th October, 1818.*

Present:—Mr. Gallatin, Mr. Rush, Mr. Robinson, Mr. Goulburn.

THE Protocols of the 2 preceding Conferences were agreed to and signed.

The several Articles upon the Fisheries; the Boundary; the Territory westward of the Stoney Mountains; the captured Slaves; and the renewal of the existing Commercial Convention, were agreed to.

The American Plenipotentiaries expressed their regret that the rejection of several of the amendments which they had offered to the Project on Impressment, and which they deemed essential, compelled them to decline acceding to that Project.

The great alterations made by the British Plenipotentiaries to the Articles proposed by the American Plenipotentiaries on Maritime Rights, also, induced the latter to think, that, although a season of Peace appeared the most favourable time for arranging such subjects, it would be inexpedient to discuss them any further; more especially, as it had never been the intention of the American Plenipotentiaries to adopt, or propose, any Articles upon Maritime subjects, without an adjustment of that on Impressment.

The British Plenipotentiaries brought forward an Article, as annexed, (F.) upon the subject of the direct intercourse between the West Indies and The United States of America; but they stated, that they could not consent to sign an Article upon that subject, unless the American Plenipotentiaries were prepared, at the same time, to accede to Articles which should put the intercourse between Bermuda and The

United States, as well as between Nova Scotia and New Brunswick and The United States, upon the footing contemplated in the Article originally offered by the British Government with respect to Bermuda; and in that respecting Nova Scotia and New Brunswick, brought forward at a former Conference by the British Plenipotentiaries.

The American Plenipotentiaries declared that their Instructions did not authorise them to sign the West India Article, as proposed by the British Plenipotentiaries; but agreed to take the whole question, *ad referendum*, to their Government.

It was agreed to meet again on Friday, the 20th instant.

ALBERT GALLATIN.
RICHARD RUSH.

FREDERICK JOHN ROBINSON.
HENRY GOULBURN.

(Annex F.)—*British Projet. West India Trade.*

It is agreed, that the Vessels of The United States shall have liberty to import, from any of the Ports of The United States to which any Foreign Vessels are permitted to come, to any of the Ports of His Britannic Majesty's Dominions in the West Indies, which shall be open to the Vessels of any other Foreign Power or State; tobacco, pitch, tar, turpentine, staves, headings, shingles, horses, mules, poultry, live stock, and provisions of all sorts, except salted provisions of any description, whether meat, fish, or butter, such articles being of the growth, produce, or manufacture, of The United States; and the said Vessels shall also have liberty to import, in the same manner, any other articles of the growth, produce, or manufacture, of The United States, the importation of which, into the above mentioned Ports shall not be entirely prohibited from every other Foreign Country or Place.

The Vessels of The United States shall likewise have liberty to export, from any of the aforesaid Ports of His Britannic Majesty's Dominions in the West Indies, to any of the aforesaid Ports of The United States, rum, molasses, and salt, being of the growth, produce, or manufacture, of any of His Britannic Majesty's abovementioned Dominions in the West Indies; and the said Vessels shall also have liberty to export, in the same manner, any other articles of the said growth, produce, or manufacture, the exportation of which, in Foreign Vessels, from the said Ports, to any other Foreign Country or Place, shall not be entirely prohibited.

British Vessels shall in the same manner have liberty to import from any of the aforesaid Ports of His Britannic Majesty's Dominions, to any of the Ports of The United States, rum, molasses, and salt, being of the growth, produce, or manufacture, of His Britannic Majesty's abovementioned Dominions in the West Indies; and British Vessels

shall also have liberty to import, in the same manner, any other article of the said growth, produce, or manufacture, the exportation of which from the said Dominions of His Britannic Majesty to The United States, shall be allowed, as aforesaid, in Vessels of The United States.

British Vessels shall likewise have liberty to export, from any of the aforesaid Ports of The United States, to any of the aforesaid Ports of His Britannic Majesty's Dominions in the West Indies, tobacco, pitch, tar, turpentine, staves, headings, shingles, horses, mules, poultry, live stock, and provisions of all sorts, except salted provisions of any description, whether meat, fish, or butter, such articles being of the growth, produce, or manufacture, of The United States; and the said Vessels shall also have liberty to export, in the same manner, every other article, being the growth, produce, or manufacture, of The United States, the importation of which into the said British Ports, from the said United States, shall be allowed in Vessels of The United States.

The Vessels of either of the 2 Parties, employed in the Trade provided for by this Article, shall be admitted in the Ports of the other, as above mentioned, without paying any other or higher Duties, or charges, than those payable in the same Ports by the Vessels of such other Party; and they shall have liberty, respectively, to touch, during the same voyage, at one or more of the abovementioned Ports of the other Party, for the purpose of disposing of their inward, and of taking on board their outward, Cargoes.

No other or higher Duties shall be paid, on the importation into The United States of any of the articles which may be imported therein, by virtue of this Article, when imported in British Vessels, than when imported in Vessels of The United States; nor when imported directly from the above mentioned Ports of His Britannic Majesty's Dominions, than when imported in a circuitous manner. And no other or higher Duties shall be paid on the importation, into any of the abovementioned Ports of His Britannic Majesty's Dominions, of any of the articles which may be imported therein, by virtue of this Article, when imported in Vessels of The United States, than when imported in British Vessels; nor when imported directly from The United States, than when imported in a circuitous manner. It is agreed, moreover, that no other or higher Duties shall be charged upon any of the abovementioned articles, being of the growth, produce, or manufacture, of the 2 Countries, respectively, when imported by virtue of this Article, on the one hand, into the said Ports of His Britannic Majesty's Dominions, or into the Ports of The United States, on the other, than may be charged on similar articles when imported from any other Foreign Country; but His Britannic Majesty reserves to himself the right to impose higher Duties upon all articles so allowed to be imported into the said British Ports from The United States

than are, or may be, chargeable, upon all similar articles, when imported from any of His Majesty's Dominions. Provided, that in such case, such similar articles shall be of the growth, produce, or manufacture, of His Majesty's Possessions. The same Duties shall be paid, and the same Bounties shall be allowed, on the exportation of any articles which may, by virtue of this Article, be exported, either from the said Ports of His Britannic Majesty's Dominions in the West Indies, to The United States, as from The United States to the abovementioned Ports, whether such exportation shall be in Vessels of The United States, or in British Vessels.

(12.)—*Protocol of the Ninth Conference, held between the American and British Plenipotentiaries, at Whitehall, 20th October, 1818.*

Present:—Mr. Gallatin, Mr. Rush, Mr. Robinson, Mr. Goulburn.

THE Protocol of the preceding Conference was agreed to and signed. The Plenipotentiaries then proceeded to sign the Convention.

ALBERT GALLATIN. FREDERICK JOHN ROBINSON.
RICHARD RUSH. HENRY GOULBURN.

No. 51.—Mr. Rush to Mr. Adams.

SIR,

London, 27th October, 1818.

I HAD the honour to write you a few lines on the 19th instant, and immediately forwarded them in triplicate to the Consul at Liverpool, to be sent off by the earliest Ships, to say that we had on that day agreed to sign a Treaty with the British Plenipotentiaries on the points which I enumerated. It was signed on the 20th. The joint Despatch from Mr. Gallatin and myself, bearing date on the same day, giving an account of the whole progress of the Negotiation, was, together with the Convention itself, and all the accompanying Documents, forwarded from hence to Liverpool on the 24th.

After consulting with Mr. Gallatin, I did not feel at liberty to employ a Special Messenger to be the bearer of the Convention, trusting to the ordinary opportunities by our Merchant Vessels, which are so constant, and, in general, so safe. I accompanied the packet with a special Letter to Mr. Maury, apprizing him of the importance of committing it to hands that were trust-worthy, and with directions that it should be delivered to the Post-Master at New York, or wherever else the Ship may arrive, without any delay. It will thus, I hope, reach Washington with all expedition and safety. On the side of the British Plenipotentiaries, a special Secretary was employed for the business of this Negotiation. On our's, Mr. Smith has acted; a circumstance which is alluded to, only that I may add, how unremitting has been his attention, and how useful his services. Mr. Gallatin set out on his return to Paris, on the morning of the 22d. Duplicates of the

Convention, the Despatch and all the other Papers, will be transmitted at the earliest moment that they can be copied.

After what is said in your Despatch of the 28th of July, to the joint Mission, respecting Judge Wallace's Decree, on the 29th of August, 1817, at Halifax, in the cases of the captured Fishing Vessels, it is proper I should state, that I have been informed by Mr. Slade, in a Note of the 14th of this month, that no Appeal has been entered by the Captors, from the Sentences of Restitution; and that the time having now gone by, allowed by the practice of the Admiralty for entering Appeals, none can be entered. He adds, that as the Owners of the Vessels were obliged to give bail, at Halifax, to answer the Appeals, it is possible that they may also have been made to place counter security in the hands of the bail; in which case, the bail may refuse to part with such security, without a *desertion* from the Appellate Court here; that is, a Decree that the Appeals had not been prosecuted, and that the original Sentence should be carried into effect. But as such a Decree would be attended with expense, he does not advise it for the present. In the event of its becoming necessary to the Owners, they should be informed that they cannot have the benefit of it, until Office Copies of the Decrees of Restitution, at Halifax, are first forwarded. Mr. Slade is the Proctor whom I employed, contingently, to give attention to these cases, as mentioned in my Despatch of the 21st of March.

From the Instructions of the 28th of July, I infer that Government contemplated becoming instrumental to the solemn argument of the great question of Right under the Treaty of 1783, only in the event of no Article respecting the Fisheries being agreed upon. As one has been signed, I design to take no further steps on this head, should the Convention be ratified, without further Instructions from the Department. I mention this, perceiving, from the Newspapers, that there have been fresh Captures of our Fishing Vessels during the last season, followed by Sentences of Condemnation, from which Appeals, on the part of the Claimants, may, I take it for granted, be anticipated.

With very great respect, I have, &c.

The Hon. J. Q. Adams.

RICHARD RUSH.

No. 52.—Mr. Adams to Messrs. Gallatin and Rush.

GENTLEMEN, *Department of State, Washington, 2d November, 1818.*

FROM the Despatches which, since I last had the honor of writing to you have been received at this Department from Mr. Rush, dated the 24th and 26th of June, and the 15th of August, it appears that there are 2 subjects likely to be brought under consideration in your Conferences with the British Plenipotentiaries, which were not contemplated by the President, at the time when your former Instructions were prepared:—Impressment, and the Slave Trade.

Impressment.—In the Notes No. 1 and 2, delivered by Mr. Rush to Lord Castlereagh, the first on the 18th of April, and the second on the 20th of June, both the offers had been made to the British Government, warranted by his former Instructions, of Legislative measures for excluding British Seamen from the Naval and Merchant Service of The United States, on condition of a formal Stipulation on the part of Great Britain, that the Impressment of men from the Vessels of The United States shall henceforth cease.

Both these proposals, at the time when they were offered, or shortly afterwards, had been rejected, with an intimation from Lord Castlereagh to Mr. Rush, in the latter instance, that the objections of the British Cabinet against them would be presented in writing.

Afterwards, however, on the 14th of August, he expressed his willingness that the subject should be taken up in the proposed Negotiation of a Commercial Treaty, and avowed, as an opinion of his own, upon which he had indeed not consulted with his Colleagues in the Cabinet, that these proposals might, with certain modifications, which he thought very important to Great Britain, and of little moment to the essential object of The United States, be rendered acceptable. These were: 1. That the Treaty containing the Stipulation should be limited to a duration of 10 or 12 years, with liberty to each Party to be absolved from its Stipulations, on a notice of 3 or 6 months. 2. That the British Boarding Officer, entering American Ships at sea, for a purpose justified under the Law of Nations, should have the liberty of calling for a List of the Crew, and, if he saw a man whom he knew, or suspected of being an Englishman, he should, without taking the man, have the privilege of making a Record, or *Procès Verbal*, of the fact, to be presented to the consideration of the American Government.

These suggestions have received the fullest and most deliberate consideration of the President, with the earnest disposition, on his part to view them in the most favourable light. He welcomes them, especially, as the first indications of a consciousness in the British Cabinet that the permanency of Peace between the 2 Countries is utterly incompatible with the resumption of the practice of impressing men from our Vessels on the High Seas: a conviction so profoundly impressed upon his own mind, that he scarcely thinks any discouragement could justify a remission of our efforts to remove this inevitable cause of future collisions, so long as the practice hitherto persevered in shall continue to exist.

It is readily agreed, that the Treaty to contain the Stipulation shall be limited in duration to 8, 10, or 12 years; but, that either Party should have the liberty of putting an end to the whole Treaty, by a notice of 3 or 6 months, would seem to place the whole Commercial Relations between the 2 Countries, upon too precarious a foundation. Some of the Stipulations proposed in your Negotiation are, in their

nature, intended to be permanent, even in the event of a War; others would require Legislative Regulations to protect interests, which would be deeply affected by the sudden termination of the Treaty. The President, nevertheless, authorizes you to agree, that, besides the general limitation of the temporary Articles of the Treaty to 8, 10, or 12 years, either Party shall be at liberty to dissolve them after a notice of 2 years given to, and received by, the other; or, if preferable to the British Government, the Article relative to Impressment may be made a Separate Article, distinct from the rest of the Treaty, and limited to a term of 4 years. This course would, indeed, be most convenient, as it would give us the opportunity of taking the sense of the Senate upon it, without implicating it with the other parts of the Treaty. Our intention and expectation is, that, the practice of taking men from our Ships being once formally renounced by Great Britain, she will, in point of fact, never recur to it again.

If the intention of Lord Castlereagh was, that this right of dissolving the Compact, by a notice of 3 or 6 months, should apply only to the Article against Impressment, its acceptance is objectionable on other grounds. The engagement to exclude all British Seamen from our sea service, will operate, immediately from its commencement, with some inconvenience to our merchants. Since the Peace, and the dispersion of the vast number of Seamen disbanded from the British Navy, there are, no doubt, considerable numbers of them who have found employment on board of our Vessels; and their exclusion from them will not be accomplished without some inconvenience. The effect of the Stipulation of Great Britain, to take no men from our Vessels, is remote, and contingent upon the event of her being engaged in a Maritime War with other Powers. The onerous part of the engagement, is, therefore, to us, immediate and certain; the benefit to be derived from it, distant and eventual. If to this apparent inequality should be added, a power reserved by Great Britain, to cancel the bargain by a simple notice of 3 or 6 months, we could scarcely consider it as a contract. It would be a positive concession and sacrifice, on our part, for the mere chance of a future equivalent for it, altogether dependent upon the will of the other Party. The alternatives now proposed, it is hoped, will answer the purposes intended, by the expedient suggested by Lord Castlereagh, without being equally liable to the difficulties which arrest our assent to it, otherwise than as thus modified. It would also be desirable, that the commencement of the engagement to exclude British Seamen should be postponed for some time, say to the 1st of October, 1820, that a sufficient notice may be given to the Merchants and Mariners whose interests will be affected by it.

The second proposal, that British Officers, entering our merchant Vessels for purposes warranted by the Law of Nations, shall be au-

thorized to call for the List of the Crew, and if they should find, or suspect, an Englishman to be on board, make a record of the fact, for the purpose of remonstrance to the Government of The United States, is, in the view of the President, still more objectionable. In the first place, the distrust which it implies, that the Laws for excluding British Seamen will, though stipulated, not be faithfully executed, is not warranted by any experience; nor can this Government give countenance to it, by assenting to any stipulation which would be considered as resulting from it. If The United States bind themselves to this exclusion, they will sincerely and faithfully carry it into execution. It was not expressly asked by Lord Castlereagh, in his proposal, as reported by Mr. Rush, that the Officer in calling for the Shipping Paper, should also have the power of mustering the Crew, to examine them by comparison with the List; but, as the mere view of the List would be useless, unless coupled with that power, we consider it as having been intended to be included in the proposal; and this very inspection of the Crews of our Vessels, by a Foreign Officer, has been found among the most insulting and grievous aggravations of the practice of Impressment. Besides this, the tendency of such an examination, in every single instance, would be, to produce altercation between the British Officer and the Commander of the American Vessel. If the Officer should be authorized to make a record of his suspicions, the Master, on his side, and the suspected Seamen, must, of course, have the privilege of making their counter record; and as there would be no Tribunal to judge between them, the probable ultimate result could be no other than that of exciting irritation between the 2 Nations, and fractious discussions between the Governments.

If the engagement to exclude British Seamen from our service should fail of being executed to an extent worthy of the slightest attention of the British Government, they could not avoid having notice of it, by proofs more effectual and more abundant than could be furnished by this sort of scrutiny: a failure of execution on our part to any such an extent, would give them not only the right of remonstrating to ours, but even of cancelling their obligation within a lapse of time, which must guard them against the danger of any material national injury. We have the fullest confidence that, if the engagement on both sides be once contracted, Great Britain will thenceforward have no lawful or even plausible motive, either for wishing it cancelled, or for inspecting the Crews of our Vessels in search of Men.

Slave Trade.—The President desires that you will make known to the British Government his sensibility to the friendly spirit of confidence with which the Treaties lately contracted by Great Britain with Spain, Portugal, and The Netherlands, and the Legislative Measures of Parliament founded upon them, have been communicated to this

Government, and the invitation to The United States to join in the same, or similar arrangements, has been given. He wishes you also to give the strongest assurances, that the solicitude of The United States for the accomplishment of the common object—the total and final abolition of that odious traffic,—continues with all the earnestness which has so long and so steadily distinguished the course of their policy, in relation to it. As an evidence of this earnestness, he requests you to communicate to them a Copy of the Act of Congress of the last Session,* in addition to the Act of 1807, to prohibit the importation of Slaves into The United States: and to declare the readiness of this Government, within their constitutional powers, to adopt any further measures which experience may prove to be necessary for the purpose of obtaining so desirable an end.

But you will observe, that, in examining the Provisions of the Treaties communicated by Lord Castlereagh, all their essential Articles appear to be of a character not adaptable to the institutions, or to the circumstances, of The United States.

The power agreed to be reciprocally given to Officers of the Ships of War of either Party, to enter, search, capture, and carry into Port, for adjudication, the Merchant Vessels of the other, however qualified and restricted, is most essentially connected with the institution, by each Treaty, of 2 Mixed Courts, one of which to reside in the external or colonial Possessions of each of the 2 Parties respectively. This part of the system is indispensable to give it that character of reciprocity without which the right granted to the armed Ships of one Nation, to search the Merchant Vessels of another, would be rather a mark of vassalage than of independence. But to this part of the system, The United States, having no Colonies either on the Coast of Africa or in the West Indies, cannot give effect.

You will add: That, by the Constitution of The United States, it is provided, the judicial power of The United States shall be vested in a Supreme Court, and in such Inferior Courts as the Congress may, from time to time, ordain and establish. It provides that the Judges of these Courts shall hold their Offices during good behaviour; and that they shall be removable by impeachment and conviction of crimes or misdemeanors. There may be some doubt whether the *power* of the Government of The United States is competent to institute a Court, for carrying into execution their penal Statutes beyond the Territories of The United States, a Court consisting partly of Foreign Judges, not amenable to impeachment for corruption, and deciding upon the Statutes of the United States without appeal.—

That the disposal of the Negroes found on board the Slave-trading Vessels which might be condemned by the Sentence of these Mixed Courts, cannot be carried into effect by The United States; for, if the

* See Commercial Treaties. Vol. 3. Page 475.

Slaves of a Vessel condemned by the Mixed Court should be delivered over to the Government of The United States as Freemen, they could not, but by their own consent, be employed as Servants, or free Labourers. The condition of the Blacks being, in this Union, regulated by the Municipal Laws of the separate States, the Government of The United States can neither guaranty their liberty in the States where they could only be received as Slaves, nor controul them in the States where they would be recognized as free.—

That the admission of a right in the Officers of Foreign Ships of War to enter and search the Vessels of The United States in time of Peace, under any circumstances whatever, would meet with universal repugnance in the public opinion of this Country. That there would be no prospect of a Ratification by advice and consent of the Senate, to any Stipulation of that nature. That the search by Foreign Officers, even in time of War, is so obnoxious to the feelings and recollections of this Country, that nothing could reconcile them to the extension of it, however qualified or restricted, to a time of Peace. And that it would be viewed in a still more aggravated light, if, as in the Treaty with The Netherlands, connected with a formal admission, that even Vessels under convoy of Ships of War of their own Nation should be liable to search by the Ships of War of another.

You will, therefore, express the regret of the President, that the Stipulations in the Treaties communicated by Lord Castlereagh are of a character to which the peculiar situation and Institutions of The United States do not permit them to accede. The constitutional objection may be the more readily understood by the British Cabinet, if they are reminded, that it was an obstacle proceeding from the same principle which prevented Great Britain from becoming, formally, a Party to the Holy Alliance: neither can they be at a loss to perceive the embarrassment under which we should be placed, by receiving Cargoes of African Negroes, and be bound at once to guaranty their liberty, and to employ them as Servants. Whether they will be as ready to enter into our feelings, with regard to the search, by Foreign Navy Lieutenants, of Vessels under convoy of our own Naval Commanders, is, perhaps, of no material importance. The other reasons are presumed to be amply sufficient to convince them, that the motives for declining this overture are compatible with an earnest wish, that the measures concerted by these Treaties may prove successful in extirpating that root of numberless evils, the traffic in human blood; and with the determination to co-operate, to the utmost extent of our powers, in this great vindication of the sacred rights of humanity.

I have, &c.

Messrs. Gallatin and Rush.

JOHN QUINCY ADAMS.

No. 53.—Mr. Rush to Mr. Adams.

(Extract.)

London, 8th December, 1818.

THE Despatch of the 2nd of November, addressed to Mr. Gallatin and myself, arrived here on the 6th instant.

Of the subjects to which it relates, viz. Impressment and the Slave Trade, the Department will have been long since informed, by our joint Communications, that only the former had a place in the late Negotiation. As we came to no agreement on it, I am happy to think that none of the expectations of the President will have been departed from. It will also have been seen that, had this Despatch reached us before the Negotiation closed, although it would have affected our conduct on one of the points, the result would have been the same. I design to transmit a Copy of it to Paris, for Mr. Gallatin's information.

The Hon. J. Q. Adams. RICHARD RUSH.

No. 54.—Mr. Adams to Mr. Rush.

(Extract.)

Department of State, Washington, 1st December, 1818.

YOUR Despatches, to No. 36, inclusive, have been received at this Office. Of the various subjects to which they relate, and which appear to require particular notice, I propose now to take a review, according to the successive order of their dates.

The first is No. 22, dated 19th June, and enclosing your Correspondence with Lord Castlereagh, relative to a passage in a printed Report of a Committee of the House of Representatives of The United States to that Body, mentioning the rejection, by the President, of the 4 Articles which had been proposed by the British Government, as additions to the Commercial Convention of 3rd July, 1815, and approving that rejection, upon an idea entertained by the Committee, that the 4th of those Articles would have interfered with the settled policy of The United States, in relation to the Indians within their limits. This remark of the Committee appears to have affected the sensibility of the British Cabinet, upon 2 grounds: 1st, as they considered that the rejection of those Articles had not been previously communicated to them; and, 2ndly, because they thought the Article in question did not bear the construction, and they explicitly disclaimed the intention that it should bear such a construction, as the Committee of Congress had thought applicable to it.

With regard to the 1st point, the explanation which ensued between you and Lord Castlereagh, appears to have placed it in the proper point of view. The Articles had been presented to your Predecessor, as embracing the utmost extent which the British Government would consent to give to our commercial intercourse with their Colonial Possessions in this Hemisphere. Before your departure from this Country, the President had made up his mind not to accept them, and your Instructions had authorized you to make this determination known to the

British Government, in the manner which it was supposed would be most friendly and conciliatory. The Articles had been delivered without any accompanying Document, Note, or commentary; and as it was not believed here that they could, under any modification, be made the basis of an arrangement between the 2 Governments upon the subject to which they relate, and as it was given us explicitly to understand that Great Britain could concede nothing more of relaxations to her Colonial and Navigation System, it was thought useless to enter into discussion, of which there was no prospect that it would terminate in agreement, and which might tend to irritation, and that the most inoffensive manner of communicating the non-acceptance of the Articles would be, verbally, in a personal interview between yourself and Lord Castlereagh. On reference to your Report of your 1st Conference with him on the 3rd of January, it appears that the part of your Instructions to which I allude, was then executed; and that, without using the unaccommodating term of *rejection*, you communicated to him the disposition of the President, with regard to the 4 Articles, in a manner altogether congenial to the spirit of that formula of the British Constitution, by which the dissent of the Crown is signified to an Act which has passed both Houses of Parliament. *Le Roy s'avisera*. There was, indeed, so little of ambiguity in the intimations given by you at that time, that when, before the receipt of your Despatch, No. 22, Mr. Bagot came to me with a Copy of Lord Castlereagh's Note to you of 29th May, which had been sent to him, I recurred immediately to the file of your Despatches, and read to him that part of your Report of what passed between you and Lord Castlereagh, at your Conference on the 3rd of January; observing to him that I had little imagined, after that disclosure of the President's sentiments concerning the 4 Articles, that the British Government would have expected any further reference to them on the part of The United States.

A Copy of the 4 Articles was furnished to the Committee of the House of Representatives, charged with the duty of reporting to the House upon the state of the Commercial Relations between The United States and the British West Indies. That Committee drew their own conclusions upon the probable operation of the Articles, and particularly of the 4th. They were communicated to them without comment, on the part of the Executive. They knew the Articles had not been accepted, but the reasons of the non-acceptance had not been stated to them. It is true, that the Article was the same, which, at the Negotiation of the Commercial Convention of July, 1815, had been offered by the British Plenipotentiaries; that the objection to it, now suggested by the Committee, had, at that time, been avowed by those of The United States; that the British Plenipotentiaries did then disclaim the intention of giving it a construction which would import the admission of British Traders to any intercourse with Indians within

the Territories of The United States; and did offer to introduce into the Article any words which might be necessary to guard it against that construction; and that the Article was then finally declined upon another ground. But the same reason for declining it still subsists, and is now as operative as it was in 1815; and, if it did not occur to the Committee, it was because the other, being more obvious upon the face of the Article, as presented to them, doubtless struck them more forcibly, as of itself decisive, and needing no further notice of objections less important, though not less insuperable.

In the Negotiation with which you are now occupied, for the renewal and extension of that Compact, we have not altogether abandoned the hope that the British Cabinet will, ultimately, concede something further of principle; and, if this Article should be discussed in your Conferences, that they will consent to remove the other feature of exclusion from it, which still renders it inadmissible. Your Powers will enable you to agree to it with such modifications as may divest it both of the exceptionable construction disclaimed, and of the restrictive exclusion yet adhered to by Great Britain.

Mr. Rush.

JOHN QUINCY ADAMS.

No. 55.—Mr. Adams to Mr. Rush.

SIR,

Department of State, Washington, 7th May, 1819.

FROM the Documents transmitted by Mr. Gallatin and you, relating to the Negotiation of the Commercial Convention of 20th October last, it appears—

That, at the 3rd Conference, a Draft of 2 Articles was proposed by the American Plenipotentiaries, for regulating the commercial intercourse between The United States and, 1. the British Islands in the West Indies, and, 2. the Provinces of Nova Scotia and New Brunswick, in North America.

That, at the 5th Conference, the British Plenipotentiaries offered the Counter-projet of an Article for the intercourse between The United States and Nova Scotia and New Brunswick; and, at the 8th Conference, an Article for that between The United States and the British West Indies.

That, in presenting this last Article, they stated that they could not consent to sign an Article upon that subject, unless the American Plenipotentiaries would accede, in substance, to the Article proposed at the 5th Conference concerning Nova Scotia and New Brunswick, and to an Article proposed by the British Government, on the 19th of March, 1817, concerning the Trade between The United States and the Island of Bermuda.

And that the American Plenipotentiaries, not feeling themselves authorized by their Instructions to sign the West India Article as pro-

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posed by the British Plenipotentiaries, agreed to take the whole question, *ad referendum*, to their Government.

In comparing the West India Article, proposed by the American Plenipotentiaries, at the 3rd Conference, with that offered by the British Plenipotentiaries, at the 8th, it appears :—

1. That, in the American Projet, the Ports in the West Indies, proposed to be opened to American Shipping, are specifically named; while, in the British Projet, they are only designated as the Ports which shall be open to the Vessels of any other Foreign Power or State. It is observed, in your joint Letter of 20th October, that these Ports are the same as those proposed by the American Projet, with the exception of St. Christophers', St. Lucia, Demerara, Essequibo and Berbice; but the difference between the 2 Drafts is otherwise material. For, if the Ports were specifically named, the privilege of admission to them would be positive, and not revocable at the pleasure of Great Britain. But, if passing under the general description, it might at any time be revoked, merely by prohibiting the admission to any other Foreign Vessels.

2. That, in the American Projet, the Articles of *naval stores*, *provisions* and *lumber*, in general terms, are among those stipulated for admission, while in the British Counter-Projet, the naval stores are restricted to pitch, tar, and turpentine; the lumber, to staves, headings, and shingles; and from the Article of provisions, are excepted salted provisions of every description. The American Article provides for the liberty of importing other articles, of the growth, produce, or manufacture, of The United States, and the importation of which shall not be entirely prohibited from every other place whatever. The British Article narrows the limitation to articles not prohibited from every other *Foreign Place*, so that it would reject articles which might, at the same time, be imported from the British Colonies in North America.

3. That the American Projet provides for the liberty of exporting molasses and salt (omitting rum) and sugar and coffee, to the amount of one-fourth part of the tonnage of the Vessel, and other articles, the exportation of which to other Foreign Countries, is not entirely prohibited. The British Projet, adding the article of rum, denies those of coffee and sugar, and allows only the exportation of other articles, not prohibited to be exported to other Foreign Countries in *Foreign Vessels*; so that articles allowed to be exported to other Foreign Countries, in British Vessels, would still be prohibited from exportation in Vessels of The United States.

These differences, so important in themselves, became still further aggravated, by a comparison between the 2 Articles for regulating the intercourse between The United States and the British North American Provinces of Nova Scotia and New Brunswick, respectively, connected with the West India Trade Article. The American Proposal is, that

the Vessels of both Nations should be allowed to export from The United States, into Nova Scotia and New Brunswick, *the same* articles, the importation of which should be allowable by the West India Article, into the West Indies, in American Vessels, and any other articles, the importation of which from every other Country, should not be prohibited; and that the Vessels of both Nations should have liberty to import from Nova Scotia and New Brunswick, into The United States, gypsum and grindstones, and any other article the growth, produce, or manufacture, of *those Provinces*, the importation of which, into The United States, from every other Foreign Country, shall not be prohibited.

The British Proposal is, that the Vessels of both Nations should be allowed to export from The United States into Nova Scotia and New Brunswick, not only the same articles, to be admitted by the direct trade to the West Indies, but the additional articles of scantling, planks, hoops, fruits, and seeds, with a specific enumeration of grain and bread stuffs, instead of provisions.

And that the Vessels of both Nations should be allowed to import from Nova Scotia and New Brunswick into The United States, not only gypsum, grindstones, and any other articles, the growth, produce, or manufacture, of *the said Provinces*, but also any produce or manufacture of *any part of His Britannic Majesty's Dominions*, the importation of which into The United States shall not be entirely prohibited.

To complete this review, we are to compare the Proposals of the 2 Parties, in relation to the trade between The United States and the Island of Bermuda.

The American Proposal is, to include it in the West India Trade Article, and thereby place it on precisely the same footing as the West India Islands.

The British Article, of 19th March, 1817, proposed that the Vessels of both Nations should be allowed to import, from The United States, into the Island of Bermuda, not only the articles proposed by the British West India Article to be admissible in the West Indies, but hemp, flax, masts, yards, bowsprits, plank, timber, and lumber of any sort, bread stuffs enumerated, and grain of any sort, of the growth or production of The United States; and that they should be allowed to export from Bermuda to The United States any goods or commodities whatsoever, exportable by Law from the British West Indies to any Foreign Country in Europe; and also sugar, molasses, coffee, cocoanuts, ginger, and pimento; and all goods of British growth, produce, or manufacture.

The views of the British Government, in these connected Proposals, are elucidated by the right which, in the West India Trade Article, they insist upon reserving, to impose higher Duties upon all articles so importable from The United States to the West Indies, than upon all

similar articles when imported from any of His Majesty's Dominions, and being of the growth, produce, or manufacture, of His Majesty's Possessions;

And, by the Statement of the British Plenipotentiaries, at the 8th Conference, as entered upon the Protocol, that they could not sign any Article concerning the direct Trade between The United States and the West Indies, unless with *their* proposed Articles concerning the intercourse of The United States with Nova Scotia and New Brunswick, and with the Island of Bermuda.

No objection will, on our part, be made to the exception of the articles proposed by the British Project to be excluded entirely from the Trade, namely, salted provisions of every description; although their probable value is equal to one-third of the whole mass of the exports to the West Indies; but it cannot be disguised that, if the 3 Articles, taken together, would not, in their immediate operation, secure the carrying of the whole Trade in British Shipping, to the exclusion of that of The United States, they would, at least, leave the ultimate operation entirely at the discretion of the British Government; who, by proportioning the difference of Duties upon the articles of our growth, produce, or manufacture, and upon the like articles of the growth, produce, or manufacture, of the British Dominions, to the experience of their own interest, may annul entirely the direct importations, and secure the conveyance of the whole to their own Ships. They agreed, indeed, to stipulate that the Duties upon the direct, shall not be other or higher than upon the indirect importations; but all the effect of this engagement is demolished by the right reserved of imposing higher Duties on articles of our growth, produce, or manufactures, than upon like articles of their own; for, as the indirect importations would be exclusively in British Vessels, it must be expected that all articles imported from British Colonies would be received as British produce, without scrutiny with regard to their origin; and thus the produce or manufactures of The United States imported, indirectly, through Halifax, St. John's, or Bermuda, would be received as of British produce or manufacture, and less imposed than the same articles imported directly from The United States. And the reserved right of aggravating the Duty upon the direct importation being unlimited, might, at any time, at the pleasure of the British Government, be made equivalent to a total prohibition; while, at the same time, our power of countervailing legislation would be locked up by the terms of the Compact.

With the Convention of 20th October, all the Documents transmitted by you relating to the Negotiation, were submitted to the Senate. Those relating to the subject of this suspended Article, were referred to the Committee of Foreign Relations of that Body, by whom, towards the close of the Session, a confidential Report was made, a Copy of which is herewith enclosed. The shortness of the time not

having admitted of a discussion of the Report, it was referred to this Department; and, as it is probable that, unless an amicable arrangement of the subject can be effected before the next winter, by Negotiation, the measures suggested at the close of the Report, as essential for completing the experiment of our counteracting system, will be brought forward in Congress, the President, always preferring the principle of arrangement, by amicable compromise, to the conflict of adversary Laws, wishes to make another effort to prevail upon the British Cabinet to adjust this concern by mutual concession, and upon terms of practical reciprocity.

You are, therefore, authorized to agree to 2 Additional Articles as supplementary to the Convention, accepting the restricted list of articles, as proposed by the Article which the British Plenipotentiaries offered at the 8th Conference, and submitting to the exclusion of salted provisions, and to the confined list of naval stores and lumber, among the importable, and to the exclusion of sugar and coffee from the list of the exportable, articles, in American Vessels, in the direct trade with the West Indies; but with the condition, that the list of importable articles, to the West Indies, shall be the same as that to Bermuda and to the North American Colonies; and that the exportable articles shall be confined to such as are of the growth, produce, or manufacture, of the British West India and North American Colonies; and that no other or higher Duties shall be payable on importations from The United States, directly or indirectly, than on similar articles imported from any Foreign Country, or from any of the British Colonies themselves.

A Draft of 2 Articles, to this effect, and forming a compromise between the Articles proposed by you at the 3rd, and those offered by the British Plenipotentiaries at the 5th and 8th Conferences, is herewith enclosed. We consent, by this Proposal, to restrict the *List* of articles to be admitted in the Trade, even as the British Cabinet itself desires; but we adhere to the principle that, of this traffic, thus limited, our Shipping shall have the chance of carrying its fair proportion, and shall stand upon equal terms of competition with the British. It is not intended that you should be confined to the letter of this Draft. It may be modified in regard to the expression, as you think proper, and if desired by the British Government, the 2 passages included within brackets in the Draft of the 1st Article, may be omitted. But you will candidly state to Lord Castlereagh, that our ultimate object of participating in the *navigation* of this necessary Trade, having been explicitly avowed, must be steadily pursued. That we deem it more for our interest to leave it on the footing of reciprocal mutual regulation, than to bind ourselves by any Compact, the result of which must be to disappoint us of that object. That we think the effect of the 3 Articles, declared to be inseparable by the British Plenipoten-

tiaries, would be to deprive us even of the portion of the carrying which we have already secured by our existing Laws, and which we believe we can further secure; and that it is far better, for the harmony of the 2 Nations, to avoid any bargain, in which either Party, after agreeing to it, shall have, by the experience of its effect, the sentiment of having been *over-reached* brought home to its councils. We ask for no such engagement on the part of Great Britain. We have too much confidence in the wisdom and liberality of her Cabinet, to believe that they would wish to obtain such an engagement from us. At every step of counteracting regulation that we have taken, or shall take, in this concern, we proceed with reluctance, because we are convinced it might be adjusted more to the mutual interest, and mutual understanding, by amicable arrangement, than by countervailing Legislation. But to whatever arrangement we may subscribe, we are convinced it can answer no useful purpose, unless it shall prove to be founded on the reciprocity of real effects, instead of hinging upon that of words.

Your Power, heretofore given, is considered sufficient to authorize you to sign 2 Additional Articles, of the substance of those enclosed, with any Person or Persons duly authorized by the British Government. If agreed to, they may be declared supplementary to those of the Convention of the 20th of October, and to be of the same duration. They must of course be submitted to the sanction of the Senate for Ratification here.

I am, &c.

Mr. Rush.

JOHN QUINCY ADAMS.

(Enclosure.)—*American Project of Additional Articles.*

ART. I. The Vessels of The United States and British Vessels shall have liberty to import, from any of the Ports of The United States to which any Foreign Vessels are permitted to come, into any of the following Ports, namely; Kingston, Savannah Le Mar, Montego Bay, Santa Lucia, Antonio, Saint Ann, Falmouth, and Porta Maria in the Island of Jamaica, San Joseph in the Island of Trinidad, Scarborough in the Island of Tobago, Saint George in the Island of Grenada, Kingston in the Island of Saint Vincent, Bridgetown in the Island of Barbadoes, Roseau in the Island of Dominica, Saint John's in the Island of Antigua, Road Harbour in the Island of Tortola, the principal Port of Turk's Island, Nassau in the Island of New Providence, Pitt's Town in Crooked Island, and the principal Port of the Island of Bermuda;—tobacco, pitch, tar, turpentine, staves, headings, shingles, horses, mules, poultry, live stock, and provisions of all sorts, (except salted provisions of any description, whether meat, fish, or butter,) such articles being the growth, produce, or manufacture, of The United States, [and any other articles of the growth, produce, or manufacture, of The United States, the importation of which, into the above-men-

tioned Ports, shall not be entirely prohibited from every other Foreign Country, or Place.] And the Vessels of The United States and British Vessels shall have liberty to export, from any of the said Ports of His Britannic Majesty's Dominions, to any of the aforesaid Ports of The United States, rum, molasses, and salt, being of the growth, produce, or manufacture, of any of the above-mentioned Dominions, [and any other articles of the said growth, produce, or manufacture, the exportation of which to any other Foreign Country, or Place, shall not be entirely prohibited.]

The Vessels of either Party, employed in the Trade provided for by this Article, shall be admitted in the Ports of the other, as above-mentioned, without paying any other, or higher duties, or charges, than those payable in the same Ports, by the Vessels of such other Party; and they shall have liberty, respectively, to touch, during the same voyage, at one or more of the above-mentioned Ports of the other Party, for the purpose of disposing of their inward, and of taking on board their outward, cargoes.

No other or higher Duties shall be paid, on the importation from The United States into the above-mentioned Ports of the British Colonies, or from the said Ports into The United States, of any of the articles importable, by virtue of this Convention, when imported in the Vessels of either of the 2 Nations, than when imported in the Vessels of the other; nor when imported directly between The United States and the said Ports, or *vice versâ*; and when imported in a circuitous manner. No other or higher Duties shall be charged upon any of the above-mentioned articles, when imported by virtue of this Convention, into The United States, or into any of the Ports aforesaid, than may be charged on similar articles, when imported from any Foreign Country into The United States, or from any other Country or Place whatsoever into the said Ports. The same Duties shall be paid, and the same Bounties shall be allowed, on the exportation of any articles which may, by virtue of this Article, be exported from the said British Ports to The United States, or from The United States to the said Ports, whether exported in Vessels of The United States, or in British Vessels.

II. The Vessels of The United States and British Vessels shall have liberty to export, from any of the Ports of The United States to which any Foreign Vessels are permitted to come, to the Ports of Halifax, in Nova Scotia, and St. John's, in New Brunswick, and to any other Port within the said Provinces of Nova Scotia and New Brunswick, to which Vessels of any other Foreign Nation shall be admitted, any article, of the growth, produce, or manufacture, of The United States, which, by virtue of the preceding Article, is importable from The United States into the British Colonial Ports therein named; and upon the same terms, in regard to the payment of duties and charges;

and they shall have liberty to import, from any of the aforesaid Ports within the Provinces of Nova Scotia and New Brunswick, into any of the aforesaid Ports of The United States, gypsum and grindstones, the produce or manufacture of the said Provinces, and any other article of the said produce or manufacture, the exportation of which from the said Provinces, and the importation of which into The United States, to or from any other Foreign Country, shall not be altogether prohibited. The Vessels of either Party, employed in this Trade, shall pay no other or higher duties or charges, than those of the other. The same Duties of importation and of exportation shall be paid on the articles imported or exported, by virtue of this Article, and the same Bounties allowed on their exportation, whether in Vessels of The United States, or in British Vessels.

No. 56.—Mr. Rush to Mr. Adams.

(Extract.)

London, 14th June, 1819.

I WAS honoured, on the 8th instant, with your Despatch, No. 17, of the 7th of May.

On the 9th I addressed a Note to Lord Castlereagh, to request an interview, that I might proceed to lay before this Government, without losing any time, the determinations to which the President had come on the important subject of the commercial intercourse between The United States and the West Indies. His Lordship appointed yesterday for me to wait upon him.

I commenced with calling to mind the point at which the discussions had left off, upon this branch of the Negotiation, last autumn, and gave a new assurance of the President's earnest desire to see this Trade opened, upon a footing of entire and liberal reciprocity, rather than stand any longer upon the conflict of arbitrary Laws. In this spirit I was instructed to offer a Projet, which had been carefully drawn up, upon the basis of a compromise between the pretensions of the 2 Parties, and which, indeed, would be found to fall in so entirely with the Propositions of Great Britain, in some respects, and to make such an approximation to them in others, that a hope was cherished of its proving acceptable.

That, in particular, it would be found to adopt the description of naval stores, and of lumber, as articles to be exported from The United States, upon which the British Plenipotentiaries had themselves insisted—confining the former to pitch, tar, and turpentine; and the latter to staves, heading, and shingles; contrary to the more enlarged signification which it had been the desire of the American Plenipotentiaries to give to them. That it acquiesced, also, in the exclusion of all salted provisions, including the important article of fish. That it, moreover, came wholly into the British views, in consenting to the exclusion of sugar and coffee, as articles to be imported into The United

States from the British West Indies, it being understood that the above traffic was to be open upon equal terms, in all respects, to American and British Vessels.

In return for such an accommodation to the colonial views of Great Britain, the Projet asked, on the other hand, that the List of articles exportable from The United States to the West Indies, should be the same as to Bermuda, and to the British North American Colonies; that the articles exportable to The United States should be confined to such as were of the growth, produce, or manufacture, of the above Islands or Colonies; and that the same Duties, and no more, should be payable on importations from The United States into the West Indies, whether the articles were brought directly or indirectly, as on similar articles imported into the West Indies from any Foreign Country, or from any of the British Colonies.

With this outline of its contents, I handed a Copy of the Projet which came enclosed in your Despatch, to his Lordship. The discussions between the Plenipotentiaries of the 2 Governments having recently been so ample on the matters which it embraces, I thought that nothing was likely to be gained by my leaving room for the possible hope that any of its essential provisions would be departed from. Accordingly, I deemed it best to say with candour, in the first instance, that, as it was offered, so was it to be taken; for that my present Instructions would admit of no deviations, unless on points verbal, or otherwise immaterial. I shall bear in mind that the parts within crotchets may be omitted. His Lordship received it with an assurance that a full and candid consideration would be given to it. The pressure of Parliamentary business might, he said, delay an attention to it for some weeks; but that, at as early a day as was practicable, it would be taken up. I replied, that I believed the great object would be attained on our side, if a decision were communicated to me in full time to be made known to the President before the next Session of Congress. Should our Propositions prove acceptable, I was empowered, I added, to make them supplementary to the Convention of the 20th of October, subject always to the Ratification of the Senate. I here closed, having endeavoured, in the course of my remarks, to convey to his Lordship's mind those general reasonings applicable to our Propositions, which are unfolded in your Despatch, and to which I shall again advert on future occasions, should it become necessary. The confidential Report of the 19th of February, by the Committee of Foreign Relations, in the Senate, was safely received, under cover of your Despatch.

The Hon. J. Q. Adams.

RICHARD RUSH.

No. 57.—Mr. Rush to Mr. Adams.

(Extract.)

London, 17th September, 1819.

LORD Castlereagh came to town on the 15th instant, and granted me an interview yesterday on the business of the West India Trade.

Holding in his hands the Proposals I had submitted, his Lordship premised, that he thought it would perhaps be best for him to answer them in the same general way that the British Articles, submitted through my Predecessor, in 1817, had been answered; that is, not in any formal manner, but merely by a word of conversation with me. I said that I was sure that the form of the answer would make no difference; its transmission to my Government, in whatever mode his Lordship might be pleased to convey it to me, would doubtless effect every substantial purpose.

In the answer there was no hesitation. Our Proposals, he said, were not of a nature to form the basis of any Agreement between the 2 Countries. They would effect an entire subversion of the British Colonial System. From this System they were not prepared to depart. Their Colonies were, in many respects, burdensome, and even liable to involve the Country in Wars. Garrisons, and other Establishments were constantly maintained in them, at a heavy charge. In return, it was just that they should be encumbered with regulations, the operation of which might help to meet, in part, the expenses which they created. The great principle of these regulations was known to be the reservation of an exclusive right to the benefit of all their trade; a principle, of which the Free-Port Acts had, it was true, produced some relaxation; but, it had never been the intention of this Government to do any thing more than offer to us a participation in these Acts. Some modifications of them would have been acquiesced in, suggested by local causes, and an anxious desire that our 2 Countries might come to an understanding on this part of their intercourse. But, to break down the System, was no part of their plan. Our Proposals, therefore, could not be accepted. Such were his remarks.

I observed, that to break down the System was not our aim. All that we desired was, that the trade, as far as it was gone into at all, should be open to the Vessels of both Nations upon precisely equal terms. If the System fell by such an arrangement, it was as an incident; and only showed how difficult it seemed to render its long continuance consistent with a proper measure of commercial justice towards us.

So broad and unequivocal was his Lordship's refusal, that it seemed almost superfluous to ask him to be more particular; yet, perceiving in me a wish to be made acquainted rather more specifically with the objections, he said that he would not scruple to mention them, without, however, entering into details, for which he was not prepared, and which had been amply unfolded on both sides during

the Negotiation this time twelve-month. The objections were three-fold. First, we asked an enumeration, by name, of all the Ports in the West Indies that we desired should be open to our Vessels. Secondly, that the trade between The United States and the British Colonies on the Continent of America, and with Bermuda, should be confined within the same limits as that between The United States and the West India Islands direct; and, thirdly, we asked, that the Duties on articles imported from The United States into the Islands, in American Ships, should be no higher than on the same articles when imported in British Ships, from The United States, or from any other Country, without saying *Foreign Country*. These 3 provisions, particularly the second and third, would form insurmountable obstacles to the conclusion of any Convention which should purport to embrace them.

I contented myself with replies as general. The communications from the joint Mission, last year, as well as some separate ones from this Legation, after it was over, will have informed the President how fully the views of our Government, on the injustice of this System, in all its past effects upon us, have heretofore been stated. On this occasion I remarked, as to the first objection, that it was plain, that, if the Ports were not specially named, the privilege of admission to them would, at any time, be revocable, whenever Great Britain thought fit to exclude from them any other Foreign Vessels. It would be, in short, a privilege with nothing positive or certain in its character. As to the second, I said, that, should an indirect trade be opened with the Islands in any greater extent than the direct trade, nothing was more clear, than that the greater part, or whole, would soon be made to flow in the channel of the former, to the manifest advantage of British bottoms. On the third objection, I said that an explanatory remark or two was all that I should add, (it would be but repetition,) to what had often been urged before. That we should deny to Great Britain the common right of protecting the industry of a part of her own Dominions, by laying discriminating Duties in its favour, might be thought, at first blush, to wear an appearance not defensible; but, it would be found, on a moment's examination, to be strictly so. The System, built up by Britain, must be looked at altogether. It was in itself so inverted and artificial, that principles, not disputed in the abstract, ceased to be just when applied to it. Though one and all of these Colonies were, indeed, of her Dominion, yet were they made to stand, with respect to us, in the light of separate and independent Countries. This was the key-stone of the Colonial doctrine. Why should we not, in turn, adopt and apply it to Great Britain? If we stipulated not to impose, upon articles imported into The United States from the British West Indies, any higher Duties than upon the same articles coming from any other Foreign Country, a similar provision by Great Britain, to impose, on articles exported from The United

States to her Islands, no higher Duties than on the same articles when brought from any other *Foreign* Country, would obviously be one of but nominal reciprocity; since, after *her own* Dominions on the Continent of America, there was no other place whence such exportations to her Islands would ever be made. Thus it was that this third provision, combined with the 2 others, became necessary to enable The United States, whilst prosecuting a trade with the British West Indies, to place their Navigation upon a footing, not of verbal merely, but of real, equality. It was the latter alone that could lay the foundations of a Compact between the 2 Nations that could ever be satisfactory or lasting.

His Lordship did not hold to such views, and the conversation was not prolonged. It is proper for me to add, that he requested it to be understood, that, whilst our Proposals were declined, it was altogether in a friendly spirit, and that no complaint would be made, as had frequently been intimated, at our resorting to any just and rightful regulations of our own, which we might deem necessary to meet theirs, in relation to these Islands. I rejoined, that I thought it probable that some such regulations would, before long, in addition to those existing, be adopted.

Having earnestly endeavoured to fulfil all my Instructions, in their full spirit of anxiety for a different result upon this subject, my duty appears now to have arrived at its close.

The Hon. J. Q. Adams.

RICHARD RUSH.

No. 58.—*Mr. Adams to Mr. Rush.*

(Extract.) *Department of State, Washington, 27th May, 1820.*

I HAVE the honour of transmitting herewith, a Copy of the Laws passed at the last Session of Congress, which closed on the 15th instant; among which you will find one, page 116, entitled "An Act supplementary to an Act concerning Navigation,"* which has an important bearing upon our commercial relations with Great Britain.

The subject to which that Act relates, has so recently and so fully been discussed, between the 2 Governments, that it may be superfluous, though it cannot be unseasonable, to assure the British Cabinet, as you are authorized to do, that it was adopted with a spirit in no wise unfriendly to Great Britain; and that, if at any time the disposition should be felt there, to meet this Country by arrangements, founded on principles of reciprocity, it will be met, on the part of The United States, with an earnest wish to substitute a system of the most liberal intercourse, instead of that of counter prohibitions, which this Act has only rendered complete.

Mr. Rush.

JOHN QUINCY ADAMS.

* See Commercial Treaties. Vol. 3, Page 497.

DECRET du Roi d'Espagne, pour l'acceptation de la Constitution promulguée par les Cortès Généraux et Extraordinaires en l'An 1812—Madrid, le 9 Mars, 1820.*

(Traduction.)

AYANT décidé, par Décret du 7 Mars, de prêter serment à la Constitution publiée à Cadix par les Cortès Généraux et Extraordinaires dans l'année 1812, j'ai préalablement prêté ce serment devant une Junte Provisoire, composée de Personnes désignées par la confiance du Peuple, jusqu'à ce que les Cortès, qui doivent être convoqués d'après les règles établies par cette Constitution, étant rassemblés, ce serment puisse être solennellement renouvelé suivant les formes prescrites.

Les Membres qui composent la Junte sont ; le Cardinal de Bourbon, Archevêque de Tolède, Président ; le Lieutenant-Général D. Francisco Ballasteros, Vice-Président ; l'Evêque de Valladolid de Mechoacan ; D. Manuel Abud y Queiro ; D. Manuel Lardizabal ; D. Matteo Valdemoros ; D. Vicente Sancho, Colonel des Ingénieurs ; le Comte de Taboada ; D. Francisco Crespo de Tejada : D. Bernardo Tarrien, et D. Ignacio Pezuela.

Toutes les mesures qui seront prises par le Gouvernement jusqu'à l'installation constitutionnelle des Cortès seront discutées dans cette Junte, et ne seront publiées que de son avis.

Vous le tiendrez pour entendu, et ce Décret sera publié dans tout le Royaume.

Au Palais, le 9 Mars, 1820.

FERDINAND.

**Constitution Politique de la Monarchie Espagnole. Promulguée à Cadix, le 19 Mars, 1812. (Traduction.)*

DON Ferdinand VII, par la Grâce de Dieu et la Constitution de la Monarchie Espagnole, Roi des Espagnes, et, pendant son absence et sa captivité, la Régence du Royaume nommée par les Cortès Généraux et Extraordinaires, à tous ceux qui auront connaissance des Présentes, faisons savoir, que ces Cortès ont décrété et sanctionné la Constitution Politique suivante de la Monarchie Espagnole :

Au nom du Dieu Tout-Puissant, Père, Fils, et Saint-esprit, Auteur et Législateur Suprême de la Société.

Les Cortès Généraux et Extraordinaires de la Nation Espagnole, bien convaincus, d'après un long examen et une mûre délibération, que les anciennes Lois fondamentales de cette Monarchie, modifiées par une organisation et appuyées d'une garantie, qui assurent d'une manière stable et permanente leur entière exécution, rempliront le grand objet désiré, celui de la gloire, de la prospérité, et du bien-être, de toute la Nation, décrètent, pour le bon gouvernement et la bonne administration de l'Etat, la Constitution Politique suivante :

TITRE I.—*De la Nation Espagnole, et des Espagnols.*CHAPITRE I.—*De la Nation Espagnole.*

ART. I. La Nation Espagnole est la réunion de tous les Espagnols des 2 Hémisphères.

II. La Nation Espagnole est libre et indépendante; elle n'est, ni peut être le patrimoine d'aucune famille ni d'aucun individu.

III. La Souveraineté réside essentiellement dans la Nation; et par la même raison, c'est à elle qu'appartient exclusivement le droit d'établir ses Lois Fondamentales.

IV. La Nation est obligée de conserver et de protéger, par des Lois sages et justes, la liberté civile, la propriété, et les autres droits légitimes, de tous les individus qui la composent.

CHAPITRE II.—*Des Espagnols.*

V. Sont Espagnols :

1. Tous les hommes libres, nés et domiciliés dans les Domaines des Espagnes, ainsi que leurs enfans ;

2. Les Etrangers qui ont obtenu des Lettres de Naturalisation des Cortès ;

3. Ceux qui, sans avoir obtenu ces Lettres de Naturalisation, sont domiciliés, conformément à la Loi, depuis 10 ans dans quelque lieu de la Monarchie ;

4. Les Affranchis, dès qu'ils ont acquis la liberté dans les Espagnes.

VI. L'amour de la patrie est un des principaux devoirs de tous les Espagnols, ainsi que la justice et la bienfaisance.

VII. Tout Espagnol doit être fidèle à la Constitution, obéir aux Lois, et respecter les Autorités constituées.

VIII. Tout Espagnol est également obligé, sans aucune distinction, de contribuer à proportion de ses facultés, aux Dépenses de l'Etat.

IX. Tout Espagnol est encore obligé de défendre la Patrie, les armes à la main, quand il est appelé par la Loi.

TITRE II.—*Du Territoire des Espagnes, de sa Religion, de son Gouvernement, et des Citoyens Espagnols.*CHAPITRE I.—*Du Territoire des Espagnes.*

X. Le Territoire Espagnol comprend dans la Péninsule, inclusive-ment avec ses Possessions et ses Iles adjacentes, l'Arragon, les Asturies, la Vieille Castille, la Nouvelle Castille, la Catalogne, Cordoue, l'Estremadure, la Galice, Grenade, Jean, Léon, Molina, Murcie, Navarre, les Provinces Biscariennes, Séville, et Valence, les Iles Baléares, les Canaries, et les autres Possessions d'Afrique. Dans l'Amérique Sep-

tentrionale, la Nouvelle Espagne avec la Nouvelle Galice, et la Péninsule de Yucatan, Guatemala, les Provinces intérieures de l'est, les Provinces intérieures de l'ouest, l'Ile de Cuba avec les 2 Florides, la partie Espagnole de l'Ile de Saint Domingue, et l'Ile de Porto-Rico, avec les autres Iles adjacentes à celles-là, et au Continent de l'une et l'autre Mer. Dans l'Amérique Méridionale, la Nouvelle Grenade, Venezuela, le Pérou, le Chili, les Provinces de la Rivière de la Plata, et toutes les Iles adjacentes dans la Mer Pacifique et dans l'Atlantique. Dans l'Asie, les Iles Philippines, et celles qui dépendent de son Gouvernement.

XI. Il sera fait une division plus convenable du Territoire Espagnol par une Loi Constitutionnelle, aussitôt que les circonstances politiques de la Nation le permettront.

CHAPITRE II.—*De la Religion.*

XII. La Religion de la Nation Espagnole est et sera perpétuellement la Religion Catholique, Apostolique, Romaine, la seule vraie. La Nation la protège par des Lois sages et justes, et défend l'exercice de toutes les autres.

CHAPITRE III.—*Du Gouvernement.*

XIII. L'objet du Gouvernement est le bonheur de la Nation, car le but de toute société politique n'est autre chose que le bien-être des individus qui la composent.

XIV. Le Gouvernement de la Nation Espagnole est une Monarchie limitée et héréditaire.

XV. Le pouvoir de faire les Lois appartient aux Cortès concurremment avec le Roi.

XVI. Le pouvoir de faire exécuter les Lois appartient au Roi.

XVII. Le pouvoir d'appliquer les Lois, dans les Causes Civiles et Criminelles, appartient aux Tribunaux établis par la Loi.

CHAPITRE IV.—*Des Citoyens Espagnols.*

XVIII. Sont Citoyens ; les Espagnols nés de père ou de mère originaires des Domaines Espagnols dans les 2 Hémisphères, et domiciliés dans une Commune de ces Domaines.

XIX. Est également Citoyen, l'Etranger qui, jouissant déjà des droits d'Espagnol, obtiendra des Cortès des Lettres spéciales de Citoyen.

XX. Pour qu'un Etranger puisse obtenir des Cortès des Lettres de Citoyen, il devra être marié avec une Espagnole, et avoir introduit ou établi dans les Espagnes quelque invention ou industrie utile, ou avoir acquis des biensfonds sur lesquels il paie une contribution directe, ou s'être établi dans le commerce avec un capital considérable et à lui appartenant au jugement des Cortès, ou avoir rendu des services signalés pour le bien ou la défense de la Nation.

XXI. Sont pareillement Citoyens, les fils légitimes des Etrangers domiciliés dans les Possessions Espagnoles, qui étant nés dans les Domaines Espagnols, n'en sont jamais sortis sans la permission du Gouvernement, et qui, ayant 21 ans accomplis, se sont établis dans un lieu des mêmes Domaines, et y exercent quelque profession, emploi, ou industrie, utiles.

XXII. Quant aux Espagnols qui, par une descendance quelconque, tirent leur origine de l'Afrique, le chemin de la vertu et du mérite leur est ouvert pour aspirer à être Citoyens, et, en conséquence, les Cortès accorderont des Lettres de Citoyen à ceux qui auront rendu des services éminens à la Patrie, ou à ceux qui se distingueront par leur talent, leur application, et leur conduite, sous la condition qu'ils soient enfans d'un légitime mariage de parens libres, qu'ils soient eux-mêmes mariés avec une femme libre, et établis dans les Domaines Espagnols, et qu'ils y exercent quelque profession, emploi, ou industrie, utiles, avec un capital à eux appartenant.

XXIII. Ceux-là seulement qui sont Citoyens pourront obtenir des charges municipales, et élire à ces mêmes charges dans les cas indiqués par la Loi.

XXIV. La qualité de Citoyen Espagnol se perd :—

1. Par la naturalisation acquise en Pays Etranger ;
2. Par l'acceptation d'un Emploi de la part d'un autre Gouvernement ;
3. Par une Sentence portant peine afflictive ou infamante, à moins qu'on ne soit réhabilité ;
4. Par une résidence de 5 années de suite hors du Territoire Espagnol sans commission ou permission du Gouvernement.

XXV. L'exercice des mêmes droits est suspendu :—

1. En vertu d'une interdiction judiciaire pour incapacité physique ou morale ;
2. Par l'état de débiteur failli, ou de débiteur de deniers publics ;
3. Par l'état de domesticité ;
4. A défaut d'emploi, profession, ou moyen connu d'existence ;
5. Par des poursuites criminelles.
6. Dès l'année 1830, ceux qui voudront de nouveau entrer dans l'exercice des droits de Citoyen, devront savoir lire et écrire.

XXVI. Ce n'est que pour les causes indiquées dans les 2 Articles précédens que pourront se perdre ou être suspendus les droits de Citoyen, et non pour d'autres.

TITRE III.—*Des Cortès.*

CHAPITRE I.—*De la manière de former les Cortès.*

XXVII. Les Cortès sont la réunion de tous les Députés qui représentent la Nation, nommés par les Citoyens dans la forme qui va être indiquée.

XXVIII. La base pour la Représentation Nationale est la même dans les 2 Hémisphères.

XXIX. Cette base est la Population, composée des Naturels du Pays nés d'un père et d'une mère originaires des Domaines Espagnols, et de ceux qui ont obtenu des Cortès des Lettres de Citoyen, ainsi que de ceux compris dans l'Article XXI.

XXX. Le dernier recensement de l'année 1797 servira pour calculer la Population des Domaines Européens, jusqu'à ce qu'un nouveau puisse être fait. Il sera formé un recensement pareil pour le calcul de la Population des Domaines d'Outre-mer ; mais on se servira, en attendant, des derniers, qui sont regardés comme les plus authentiques.

XXXI. Pour chaque 70,000 âmes de la Population comptée ainsi qu'il est dit dans l'Article XXIX, il y aura un Député aux Cortès.

XXXII. Si, d'après la Population de chaque Province, il résulte dans une d'elles un excédent de plus de 35,000 âmes, on élira 1 Député de plus, comme si le nombre s'élevait à 70,000 ; et si le surplus n'excède pas 35,000, il ne sera pas compté.

XXXIII. S'il y avait quelque Province dont la Population ne s'élevât pas à 70,000 âmes, pourvu toutefois qu'elle ne fût pas au-dessous de 60,000, elle nommera seule 1 Député, et si elle n'atteint pas à ce nombre, elle se joindra à celle contiguë, pour compléter le nombre requis de 70,000. L'Ile de St. Domingue sera exceptée de cette règle. Elle nommera 1 Député, quelle que soit sa Population.

CHAPITRE II.—*De la nomination des Députés aux Cortès.*

XXXIV. Pour l'élection des Députés aux Cortès, il sera convoqué des Juntas Electorales de Paroisse, de District, et de Province.

CHAPITRE III.—*Des Juntas Electorales de Paroisse.*

XXXV. Les Juntas Electorales de Paroisse se composeront de tous les Citoyens domiciliés et résidans sur le territoire de la Paroisse respective, parmi lesquels sont compris les Ecclésiastiques Séculars.

XXXVI. Ces Juntas se rassembleront toujours, dans la Péninsule et dans les Iles et Possessions adjacentes, le premier Dimanche du mois d'Octobre, de l'année antérieure à celle de la convocation des Cortès.

XXXVII. Dans les Provinces d'Outre-mer, elles s'assembleront le premier Dimanche du mois de Décembre, 15 mois avant la Session des Cortès, sur l'avis que les Municipalités devront donner préalablement pour les unes et les autres.

XXXVIII. Dans les Juntas de Paroisse il sera nommé un Electeur de Paroisse pour chaque 200 domiciliés.

XXXIX. Si le nombre des habitans de la Paroisse excédait 300, sans cependant atteindre à 400, on nommera 2 Electeurs ; s'il excé-

dait 500, quand même il n'atteindrait pas à 600, il en sera nommé 3, et ainsi progressivement.

XL. Dans les Paroisses dont le nombre d'habitans ne s'élève pas à 200, pourvu toutefois qu'elles en contiennent 150, il sera nommé cependant 1 Electeur; et dans celle où il n'y a pas ce nombre, les habitans se réuniront à ceux de la Paroisse contiguë, pour nommer, collectivement, l'Electeur ou les Electeurs.

XLI. La Junte Paroissiale élira, à la pluralité des suffrages, 11 Délégués, pour que ceux-ci nomment l'Electeur de Paroisse.

XLII. Si, dans la Junte Paroissiale, il fallait nommer 2 Electeurs de Paroisse, on élira 21 Délégués; 31, s'il fallait en nommer 3; sans qu'en aucun cas on puisse excéder ce nombre de Délégués, afin d'éviter la confusion.

XLIII. On observera ce qui suit, afin d'avoir égard aux convenances des Communes: la Paroisse qui contiendra jusqu'à 20 habitans élira 1 Délégué; celle qui en contiendra de 30 à 40, en choisira 2; celle qui en aura de 50 à 60, en élira 3; et ainsi progressivement: les Paroisses qui renfermeront moins de 20 habitans, se réuniront avec les plus voisines pour élire des Délégués.

XLIV. Les Délégués des Paroisses où la Population sera peu nombreuse, après avoir été élus, ainsi qu'il vient d'être dit, dans l'endroit le plus convenable, et formant le nombre de 11, ou au moins de 9, nommeront 1 Electeur de Paroisse; s'ils formaient le nombre de 21, ou au moins de 17, ils nommeront 2 Electeurs Paroissiaux; et s'ils étaient réunis au nombre de 31, ou au moins de 25, ils nommeront 3 Electeurs, et ainsi progressivement.

XLV. Pour être nommé Electeur de Paroisse, il faut être Citoyen, majeur de 25 ans, domicilié et résidant dans la Paroisse.

XLVI. Les Juntas de Paroisse seront présidées par le Chef Politique, ou l'Alcade ou Juge, de la Cité, Bourg, ou Village, dans lequel se tiendra l'Assemblée, avec l'assistance du Curé de la Paroisse, afin de donner plus de solennité à cet Acte; et si dans un même endroit il se trouve, à cause du nombre de ses Paroisses, 2 Juntas ou au-delà, l'une sera présidée par le Chef Politique, ou l'Alcade, et l'autre par l'autre Alcade; et les Régidors, tirés au sort, présideront les autres.

XLVII. L'heure de la réunion étant arrivée, l'Assemblée se tiendra à la Maison de Ville ou dans le lieu consacré à cet usage; les Citoyens compétens s'étant réunis, ils se rendront avec leur Président à l'Eglise de la Paroisse, où sera célébrée une Messe solennelle du Saint-Esprit par le Curé de la Paroisse, qui prononcera un discours analogue aux circonstances.

XLVIII. La Messe finie, ils retourneront à l'endroit d'où ils étaient partis; alors l'ouverture de la Junte aura lieu par la nomination de 2 Scrutateurs et de 1 Secrétaire, choisis parmi les Citoyens présens, et l'on procédera les portes ouvertes.

XLIX. Le Président demandera ensuite si quelque Citoyen a des plaintes à porter, relativement à quelque fait de corruption ou de subornation qui pourrait avoir eu lieu en faveur de quelque Individu ; et si l'on porte quelque plainte, le plaignant sera tenu de fournir verbalement ses preuves par le même acte. L'accusation étant prouvée, ceux qui auront commis le délit seront privés de voix active et passive. Les Calomniateurs subiront la même peine, et ce jugement sera sans appel.

L. S'il s'élève des doutes sur les qualités requises pour pouvoir voter, la même Junte portera sur-le-champ la décision qui lui paraîtra convenable, et cette décision s'exécutera sans aucun recours, et n'aura d'effet que pour la circonstance actuelle et pour une fois seulement.

LI. On procédera immédiatement après à la nomination des Délégués : à cet effet, chaque Citoyen désignera un nombre de Personnes égal à celui des Délégués, en s'approchant de la table où siègent le Président, les Scrutateurs, et le Secrétaire. Ce dernier inscrira sur une Liste les Personnes en présence des votans. Dans cette élection, ainsi que dans les suivantes, il ne sera permis à aucun Citoyen de voter sans cette forme, sous peine de perdre le droit de voter.

LII. Cet acte étant terminé, le Président, les Scrutateurs, et le Secrétaire, vérifieront les Listes, et celui-ci publiera à haute voix les noms des Citoyens qui auront été élus Délégués, après avoir réuni le plus grand nombre de voix.

LIII. Les Délégués nommés se réuniront dans un lieu séparé avant que la Junte ne soit dissoute, et en conférant entre eux, ils procéderont à la nomination de l'Electeur ou des Electeurs de cette Paroisse : l'Individu ou les Individus qui réuniront plus de la moitié des voix seront élus ; ensuite, la nomination se publiera dans la Junte.

LIV. Le Secrétaire dressera l'Acte que le Président et les Délégués signeront avec lui, et dont ils remettront une Copie également signée à la Personne ou aux Personnes élues, pour constater leur nomination.

LV. Aucun Citoyen ne pourra se dispenser de cette charge par aucun motif, ni sous aucun prétexte.

LVI. Aucun Citoyen ne se présentera en armes dans la Junte Paroissiale.

LVII. La nomination des Electeurs étant vérifiée, la Junte se dissoudra immédiatement, et tout autre acte, quelque en soit l'intention, sera nul.

LVIII. Les Citoyens qui auront composé la Junte, se transporteront à l'Eglise de la Paroisse, où sera chanté un *Te Deum* solennel, l'Electeur ou les Electeurs étant placés entre le Président, les Scrutateurs, et le Secrétaire.

CHAPITRE IV.—*Des Juntas Electorales de District.*

LIX. Les Juntas Electorales de District se composent des Elec-

teurs de Paroisse, qui s'assembleront dans le chef-lieu de chaque District, afin de nommer l'Electeur ou les Electeurs qui devront se rendre à la Capitale de la Province pour élire les Députés aux Cortès.

LX. Ces Juntas s'assembleront toujours dans la Péninsule, et dans les Iles et Possessions adjacentes, le 1^{er} Dimanche du mois de Novembre, de l'année antérieure à celle où doivent s'assembler les Cortès.

LXI. Dans les Provinces d'Outre-mer, elles s'assembleront le 1^{er} Dimanche du mois de Janvier, qui suivra celui de Décembre où se seront assemblées les Juntas de Paroisse.

LXII. Pour connaître le nombre d'Electeurs que chaque District aura à nommer, on devra suivre les règles suivantes.

LXIII. Le nombre des Electeurs de District sera triple de celui des Députés à élire.

LXIV. Si le nombre des Districts de la Province était plus grand que celui des Electeurs, requis d'après l'Article précédent pour la nomination des Députés qu'ils ont à choisir, on nommera néanmoins un Electeur pour chaque District.

LXV. Si le nombre de Districts était moindre que celui des Electeurs qui doivent être nommés, chaque District en choisira 1, 2, ou plus, jusqu'à ce que le nombre nécessaire soit complété; mais s'il manque 1 Electeur seulement, il sera nommé par le District dont la Population sera la plus forte; s'il en manque encore 1 autre, il sera nommé par le District le plus fort en Population après celui-ci, et ainsi de suite.

LXVI. D'après ce qui est établi dans les Articles XXXI, XXXII, XXXIII, et dans les 3 Articles précédens, le recensement détermine combien de Députés doivent être nommés dans chaque Province, et combien d'Electeurs dans chacun de ses Districts.

LXVII. Les Juntas Electorales de District seront présidées par le Chef Politique, ou par le premier Alcade du chef-lieu du District, auquel se présenteront les Electeurs de Paroisse, avec le titre qui fait foi de leur élection, afin que leurs noms soient enregistrés dans le livre sur lequel doivent être portés les Actes de la Junte.

LXVIII. Le jour indiqué, les Electeurs de Paroisse se réuniront avec le Président dans les salles de la Maison de Ville, les portes ouvertes, et commenceront par nommer 1 Secrétaire et 2 Scrutateurs pris parmi eux.

LXIX. Ensuite, les Electeurs présenteront les Certificats de leur nomination pour être examinés par le Secrétaire et les Scrutateurs, lesquels devront le lendemain avertir si ces Certificats sont en règle ou non. Les Certificats du Secrétaire et des Scrutateurs seront examinés par une Commission de 3 Membres de la Junte, chargée de faire son rapport à ce sujet dès le lendemain.

LXX. Ce même jour, les Electeurs de Paroisse étant assemblés, on lira les enquêtes faites sur les Certificats, et s'il s'y trouve une ob-

servation contre la validité de quelqu'un de ces Certificats, ou de la nomination des Electeurs par défaut des qualités requises, la Junte décidera définitivement, et séance tenante, ce qui lui paraîtra convenable. Ce qu'elle aura résolu sera exécuté sans appel.

LXXI. Cet acte étant terminé, les Electeurs de Paroisse passeront avec leur Président à l'Eglise principale, où une Messe solennelle du Saint-Esprit sera célébrée par l'Ecclésiastique le plus élevé en dignité, lequel prononcera un discours conforme aux circonstances.

LXXII. Après cet acte religieux, ils se rendront de nouveau à la salle de l'assemblée, et les Electeurs ayant pris leurs places sans aucune distinction de rang, le Secrétaire lira ce Chapitre de la Constitution, et ensuite le Président fera la même demande exigée par l'Article XLIX, et l'on observera tout ce qui y est prescrit.

LXXIII. Immédiatement après, on procédera à la nomination de l'Electeur ou des Electeurs de District, en les élisant 1 à 1, et par scrutin secret, moyennant des billets sur lesquels sera écrit le nom de la Personne que chacun élit.

LXXIV. Les votes étant recueillis, le Président, le Secrétaire, et les Scrutateurs, en feront le recensement, et la Personne qui aura réuni au moins la moitié des votes, et un en sus, sera élue : le Président publiera chaque élection. Si Personne n'a obtenu la pluralité absolue des voix, les 2 qui en auront le plus grand nombre seront seuls balotés dans le second scrutin, et celui qui aura obtenu le plus grand nombre de voix sera élu. En cas d'égalité de voix, le sort décidera.

LXXV. Pour être Electeur de District, il faut être Citoyen, jouir de l'exercice de ses droits, avoir 25 ans révolus, et être domicilié dans le District et y résider, de l'état séculier ou ecclésiastique séculier ; le choix, au reste, peut tomber sur les Citoyens qui composent la Junte, ou sur ceux qui n'en sont pas.

LXXVI. Le Secrétaire rédigera le Procès-verbal que signeront avec lui le Président et les Scrutateurs, et il en sera remis une Copie signée des mêmes Personnes, à celui ou à ceux qui auront été élus, afin de constater leur nomination. Le Président de la Junte remettra une autre Copie signée par lui et par le Secrétaire, au Président de la Junte de la Province, où le résultat de l'Election sera publié par la voie des papiers publics.

LXXVII. Dans les Juntas Electorales de District, sera observé tout ce qui est prescrit pour les Juntas Electorales de Paroisse, dans les Articles LV, LVI, LVII, et LVIII.

CHAPITRE V.—*Des Juntas Electorales de Province.*

LXXVIII. Les Juntas Electorales de Province se composeront des Electeurs de tous les Districts de cette même Province, qui se réuniront dans la Capitale afin de nommer les Députés qui doivent assister aux Cortès comme Représentans de la Nation.

LXXIX. Les Juntas s'assembleront toujours dans la Péninsule, et les Iles adjacentes, le 1^{er} Dimanche du mois de Décembre, de l'année antérieure à la réunion des Cortès.

LXXX. Dans les Provinces d'Outre-mer, elles s'assembleront le 2nd Dimanche du mois de Mars, de la même année où se seront réunies les Juntas de District.

LXXXI. Les Juntas seront présidées par le Chef Politique de la Capitale de la Province, auquel les Electeurs de District se présenteront avec l'Acte de leur élection, pour que leurs noms soient inscrits sur le livre, où doivent être enregistrés les Actes de la Junte.

LXXXII. Au jour indiqué, les Electeurs de District se réuniront avec le Président dans la Maison-de-ville, ou dans l'Edifice qu'on jugera le plus convenable pour un acte aussi solennel, et là, les portes ouvertes, ils commenceront par nommer, à la pluralité des voix, 1 Secrétaire et 2 Scrutateurs, pris parmi les Electeurs.

LXXXIII. Si une Province n'a le droit de nommer qu'un seul Député, elle concourra à cette Election 5 Electeurs au moins, en répartissant ce nombre entre les Districts dont elle est composée, ou en formant des Districts pour ce seul effet.

LXXXIV. On commencera d'abord par donner lecture des IV Chapitres de cette Constitution qui traitent des Elections. Ensuite on lira les Extraits certifiés de Procès-verbaux des Elections faits dans les chefs-lieux de District, remis par les Présidens respectifs; les Electeurs présenteront de même les titres de leur nomination, pour être examinés par les Secrétaires et les Scrutateurs, qui devront rendre compte de leur régularité le jour suivant. Les Certificats du Secrétaire et des Scrutateurs seront examinés par une Commission de 3 Membres de la Junte, nommés à l'effet d'en rendre compte pareillement le lendemain.

LXXXV. Les Electeurs de District y s'étant réunis, il sera fait lecture des Rapports sur les Certificats, et s'il se trouve un défaut de régularité à l'un de ces Certificats, ou un obstacle à l'admission de l'Electeur, la Junte décidera définitivement, et séance tenante, ce qu'elle jugera à propos; et ce qu'elle aura résolu s'exécutera sans appel.

LXXXVI. Ensuite les Electeurs de District se transporteront avec le Président à la Cathédrale ou à la principale Eglise, où il sera célébré une Messe solennelle du Saint-Esprit, et l'Evêque, ou, à son défaut, l'Ecclesiastique le plus élevé en dignité, fera un discours approprié aux circonstances.

LXXXVII. Cet acte religieux fini, on retournera à l'endroit d'où l'on était parti; et, à portes ouvertes, les Electeurs ayant pris leurs places sans distinction de rang, le Président fera la demande contenue dans l'Article XLIX, et l'on observera tout ce qui est prescrit dans ce même Article.

LXXXVIII. Ensuite les Electeurs présens procéderont à la nomination du Député ou des Députés, et les éliront 1 à 1 : à cet effet, ils s'approcheront successivement de la table, où se trouvent le Président, les Scrutateurs, et le Secrétaire. Celui-ci écrira sur une Liste, en présence de chaque votant, le nom de la Personne que l'Electeur voudra nommer. Le Secrétaire et les Scrutateurs voteront les premiers.

LXXXIX. Tous les votes étant recueillis, le Président, le Secrétaire, et les Scrutateurs, en feront le dépouillement, et l'Individu qui aura réuni au moins la moitié des voix, et une en sus, sera élu. Si personne n'avait réuni la majorité absolue des voix, les 2 qui en auront obtenu le plus grand nombre seront ballotés une seconde fois, et celui qui aura réuni la majorité sera élu. Dans le cas d'égalité, le sort décidera, et l'Election étant terminée, le Président la fera connaître.

XC. Après l'Election des Députés, on procédera à celle des Suppléans, d'après la même méthode et forme, et leur nombre sera pour chaque Province en raison du tiers des Députés effectifs. Si une Province n'a droit qu'à 1 ou 2 Députés, elle élira cependant un Député Suppléant. Ceux-ci seront admis aux Cortès toutes les fois qu'on aura constaté la mort du Député primitif ou l'impossibilité où il se trouve d'y siéger, au jugement des Cortès, en quelque temps que l'un ou l'autre de ces événemens soit constaté après l'Election.

XCI. Pour être Député aux Cortès, il faut être Citoyen, avoir l'exercice de ses droits, avoir 25 ans révolus, être né dans la Province, ou y être domicilié depuis 7 années au moins. Les Séculars ou les Ecclésiastiques Séculars sont éligibles; le choix peut tomber sur les Citoyens qui composent la Junte, ou sur ceux qui n'en sont pas.

XCII. Il faut en outre, pour être Député aux Cortès, avoir un revenu annuel convenable, provenant de biens possédés en propriété.

XCIII. La disposition de l'Article précédent demeure suspendue jusqu'à ce que les Cortès qui doivent se tenir à l'avenir, déclarent l'époque où elle devra être mise à exécution, et qu'ils déterminent la quotité du revenu et la qualité des biens desquels il devra provenir; ce qu'ils décideront alors sera regardé comme disposition constitutionnelle, de même que si cela eût été déterminé dans la présente Constitution.

XCIV. S'il arrive que la même Personne soit élue par la Province où elle est née, et par celle où elle est établie, l'Election faite à raison du domicile sera maintenue, et celle faite à raison de sa naissance sera remplie de droit par le Suppléant.

XCV. Les Ministres, les Conseillers d'Etat, et ceux qui remplissent des charges dans la Maison du Roi, ne pourront être élus Députés aux Cortès.

XCVI. Ne pourra non plus être élu Député aux Cortès aucun Etranger, quand même il aurait obtenu des Cortès des Lettres de Citoyen.

XCVII. Aucun Fonctionnaire public nommé par le Gouvernement,

ne pourra être élu Député aux Cortès par la Province dans laquelle il exerce sa charge.

XCVIII. Le Secrétaire dressera Procès-verbal des Elections, que le Président et tous les Electeurs signeront avec lui.

XCIX. Les Electeurs donneront sans retard, et sans aucun prétexte de refus, à tous et chacun des Députés, des pouvoirs étendus, et il en sera remis une expédition à chaque Député en particulier, pour présenter aux Cortès avec la Formule suivante.

C. Les pouvoirs seront conçus dans les termes suivans :

Dans la Cité ou le Bourg de—— le—— du mois de—— l'an—— dans les salles de—— se trouvant assemblés *les Messieurs (on inscrira ici les noms du Président et des Electeurs de District qui forment la Junte électorale de la Province)* ont dit devant moi, le Greffier soussigné, et les Témoins convoqués à cet effet, qu'ayant procédé conformément à la Constitution Politique de la Monarchie Espagnole, à la nomination des Electeurs de Paroisse et de District, avec toutes les solennités prescrites par la même Constitution, comme il est constaté par les Certificats produits dans une forme authentique, s'étant réunis les Electeurs mentionnés des Districts de la Province de—— le jour—— du mois de—— de la présente année, ont fait la nomination de leurs Députés, qui, au nom et par représentation de cette Province, doivent concourir aux Cortès, et qu'ils ont élu en cette qualité Messieurs N— N— N—, comme il résulte du Procès-verbal rédigé et signé par N— N— ; qu'en conséquence ils leur donnent à tous en général, et à chacun en particulier, le pouvoir de remplir et d'acquitter les augustes fonctions de leur charge, de régler et statuer avec les autres Députés aux Cortès, comme Représentans de la Nation Espagnole, tout ce qu'ils croiront convenable pour le bien général, en usant des pouvoirs que la Constitution détermine, et dans les limites qu'elle prescrit, sans avoir la faculté de déroger, altérer, ou changer, en aucune manière aucun de ses Articles sous aucun prétexte ; qu'ils s'obligent, pour eux-mêmes et au nom de tous les habitans de cette Province, en vertu des pouvoirs qui leur sont accordés comme Electeurs nommés par cet Acte, à tenir pour valable et à se soumettre à tout ce qu'ils statueront comme Députés aux Cortès, et à ce qu'ils décideront conformément à la Constitution Politique de la Monarchie Espagnole. C'est ce qu'ils ont exprimé et accordent en présence des Témoins N— N— et en foi de quoi ils ont tous signé.

CI. Le Président, les Scrutateurs, et le Secrétaire, remettront sans retard à la Députation Permanente des Cortès, une Copie, signée par eux, du Procès-verbal des Elections ; et, lorsque les dites Elections seront rendues publiques, par la voie de l'impression, il en sera envoyé un Exemplaire dans chaque Ville, Bourg, ou Village, de la Province.

CII. Il sera donné aux Députés par leurs Provinces respectives, un traitement pour chaque jour fixé par les Cortès, qui détermineront, durant la 2^{nde} année de leur Session, la somme qui devra être allouée

aux Membres de la Session suivante. Il sera allouée en outre aux Députés d'Outre-mer, la somme qui paraîtra nécessaire, d'après le jugement de leurs Provinces respectives, pour les frais de voyage, aller et retour.

CIII. On observera dans les Juntas Electorales de Province tout ce qui est prescrit dans les Articles LV, LVI, LVII, et LVIII, à l'exception de ce qui est réglé par l'Article CCCXXVIII.

CHAPITRE VI.—*De la tenue des Cortès.*

CIV. Les Cortès se réuniront tous les ans dans la Capitale du Royaume, dans l'Edifice destiné à ce seul usage.

CV. Quand elles jugeront convenable de se transférer en un autre endroit, elles le pourront, pourvu que cet endroit ne soit pas éloigné de la Capitale de plus de 12 lieues, et que les 2-tiers des Députés présents soient d'accord sur le déplacement.

CVI. Les Sessions des Cortès de chaque année dureront, au plus, 3 mois consécutifs, à commencer du 1^{er} Mars.

CVII. Les Cortès pourront prolonger leurs Sessions, au plus, pour un autre mois, et dans 2 cas seulement, 1^o. sur une demande du Roi; 2^o. si la prorogation est jugée nécessaire par une résolution des 2-tiers des Députés.

CVIII. Les Députés seront renouvelés, en totalité, tous les 2 ans.

CIX. Si la guerre, ou l'occupation de quelque partie du Territoire de la Monarchie par l'ennemi, empêchaient que tous ou quelques Députés, d'une ou de plusieurs Provinces, pussent se présenter à temps, les absents seront remplacés par les Députés précédents des Provinces respectives, en tirant au sort entre eux jusqu'à ce que le nombre demandé soit complet.

CX. Les Députés ne pourront être réélus qu'après l'intervalle d'une autre Députation.

CXI. Lorsque les Députés seront arrivés à la Capitale, ils se présenteront à la Députation permanente des Cortès, qui fera porter leurs noms et celui de la Province qui les aura élus, sur un Registre dans le Secrétariat des Cortès.

CXII. L'année où les Députés seront renouvelés, la première Junte préparatoire s'assemblera le 15 Février, à portes ouvertes. Les fonctions de Président seront remplies par le Président de la Députation permanente, quel qu'il soit; les Secrétaires et les Scrutateurs seront également choisis parmi ses Membres.

CXIII. Dans cette première Junte, tous les Députés présenteront leurs pouvoirs, et l'on nommera, à la pluralité des voix, 2 Commissaires, une de 5 Membres, pour examiner les pouvoirs de tous les Députés, et une autre de 3, pour examiner ceux de la Commission des 5.

CXIV. Le 20 du même mois de Février, se réunira également, à portes ouvertes, la seconde Junte préparatoire, dans laquelle les 2

Commissions rendront compte de la régularité des pouvoirs, en mettant sous les yeux les Extraits des Procès-verbaux des élections de Province.

CXV. Dans cette Junte, et dans les autres qui auront lieu jusqu'au 25^{me} jour, il sera prononcé définitivement et à la pluralité des voix, sur les difficultés élevées relativement à la légitimité des pouvoirs et à la qualité des Députés.

CXVI. Dans l'année qui suivra celle du renouvellement des Députés, la première Junte préparatoire se tiendra le 20 Février; et, jusqu'au 25 du même mois, celles qu'on jugera nécessaires pour décider, d'après le mode et la forme prescrits dans les 3 Articles précédens, sur la légitimité des pouvoirs des Députés qui se présenteront de nouveau.

CXVII. Toutes les années, le 25 Février, sera tenue la dernière Junte préparatoire, dans laquelle tous les Députés prêteront, en mettant la main sur les Saints Evangiles, le serment qui suit: "Jurez-vous de défendre et de conserver la Religion Catholique, Apostolique, Romaine, sans en admettre aucune autre dans le Royaume? R. *Oui, je le jure.* Jurez-vous de garder et faire garder religieusement la Constitution Politique de la Monarchie Espagnole sanctionnée par les Cortès Généraux et Extraordinaires de la Nation en l'an 1812? R. *Oui, je le jure.* Jurez-vous de vous comporter bien et fidèlement dans la charge que la Nation vous a confiée, ayant en tout pour objet le bien et la prospérité de la Nation? R. *Oui, je le jure.* Si vous le faites ainsi, Dieu vous en récompensera, et si non, il vous en demandera compte."

CXVIII. Ensuite on procédera à l'élection parmi les Députés, et par scrutin secret, à la pluralité absolue des voix, d'un Président, d'un Vice-Président, et des 4 Secrétaires, après quoi, les Cortès seront regardés comme constitués et organisés, et la Députation permanente cessera toutes ses fonctions.

CXIX. Il sera nommé le même jour une Députation composée de 22 Membres et de 2 en sus, pris parmi les Secrétaires, pour annoncer au Roi que les Cortès se sont constitués, et lui faire connaître le Président qu'ils ont élu; le Roi déclarera s'il veut assister à l'ouverture des Cortès qui aura lieu le 1^{er} Mars.

CXX. Si le Roi se trouvait absent de la Capitale, ladite communication lui sera faite par écrit, et le Roi y répondra de la même manière.

CXXI. Le Roi assistera en personne à l'ouverture des Cortès; s'il se trouve un empêchement, le Président lui fera connaître le jour indiqué, sans que, pour aucune raison, elle puisse être renvoyée à un autre jour. Les mêmes formalités seront observées pour l'acte de clôture des Cortès.

CXXII. Le Roi entrera sans gardes dans la salle des Cortès, il sera seulement accompagné des Personnes désignées par le cérémonial

pour sa réception et sa sortie, ainsi qu'il est prescrit par le règlement intérieur des Cortès.

CXXIII. Le Roi prononcera un Discours dans lequel il proposera aux Cortès ce qu'il croira convenable, et le Président y répondra en termes généraux. Si le Roi n'y assiste pas, il enverra le Discours au Président pour être lu dans les Cortès.

CXXIV. Les Cortès ne pourront délibérer en présence du Roi.

CXXV. Dans le cas où les Ministres se présenteraient, pour faire des propositions au nom du Roi, ils pourront assister aux discussions des Cortès lorsque ceux-ci le permettront, et de la manière qu'ils le prescriront ; ils pourront y parler, mais ils ne pourront être présents lorsqu'on ira aux votes.

CXXVI. Les Séances des Cortès seront publiques, et il ne pourra être tenue une Séance secrète que dans le cas où une circonstance extraordinaire l'exigerait.

CXXVII. On observera dans les discussions des Cortès, et dans toute autre chose relative à leur ordre intérieur, le règlement fait par les Cortès Généraux et Extraordinaires, sans préjudice des changemens que les Cortès suivans pourront juger convenable d'y faire.

CXXVIII. Les Députés seront inviolables pour leurs opinions, et ne pourront être repris ou cités en aucun temps, ni en aucun cas, ni par quelque autorité que ce soit. Dans les causes criminelles qui s'intenteraient contre eux, ils ne pourront être jugés que par le Tribunal des Cortès, et d'après le mode et dans la forme prescrits dans leur règlement intérieur. Pendant les Sessions des Cortès, et 1 mois après, les Députés ne pourront être cités ni exécutés pour dettes.

CXXIX. Les Députés ne pourront, durant le temps de leur députation, à dater de l'époque où leur nomination est constatée dans la Députation Permanente des Cortès, accepter pour eux-mêmes, ni solliciter pour d'autres, un emploi quelconque à la nomination du Roi, ni aucun avancement, à moins que ce ne soit par ordre d'ancienneté dans la carrière qu'ils parcourent.

CXXX. De même ils ne pourront durant le temps de leur députation, et une année après le dernier acte de leurs fonctions, obtenir pour eux, ou solliciter pour d'autres, une pension ou décoration quelconque, qui soit à la nomination du Roi.

CHAPITRE VII.—*Des attributions des Cortès.*

CXXXI. Les attributions des Cortès sont :

1. De proposer et décréter les Lois, de les interpréter, et de les abroger, dans le cas où il serait nécessaire ;
2. De recevoir le Serment du Roi, du Prince des Asturies, et de la Régence, ainsi qu'il est prescrit en son lieu ;

3. De résoudre toute difficulté de fait ou de droit, qui peut se rencontrer dans l'ordre de succession à la Couronne ;
4. D'élire la Régence ou le Régent du Royaume dans les cas prescrits par la Constitution, et de fixer les limites dans lesquelles la Régence ou le Régent devront exercer l'Autorité Royale ;
5. De faire reconnaître publiquement le Prince des Asturies ;
6. De nommer le Tuteur du Roi mineur, dans le cas prévu par la Constitution ;
7. D'approuver, avant leur Ratification, les Traités d'Alliance offensive, ceux de Subsidés, et les Traités spéciaux de Commerce ;
8. De permettre ou d'empêcher l'admission des Troupes Etrangères dans le Royaume ;
9. De décréter la création et la suppression de Places dans les Tribunaux que la Constitution établira, ainsi que la création et suppression des emplois publics ;
10. De fixer chaque année, sur la proposition du Roi, les Forces de terre et de mer, en déterminant celles qui doivent être tenues sur pied en temps de paix, et leur augmentation en temps de guerre ;
11. De donner des réglemens à l'Armée, à la Marine, et à la Milice Nationale, dans toutes les parties qui les constituent ;
12. De fixer les dépenses de l'Administration Publique ;
13. D'établir annuellement les contributions et impôts ;
14. De lever des capitaux par la voie d'emprunt, en cas de nécessité, sur le crédit de la Nation ;
15. D'approuver la répartition des contributions entre les Provinces ;
16. D'examiner et approuver les comptes de l'emploi des deniers Publics ;
17. D'établir des Douanes et Tarifs des Droits ;
18. De faire les réglemens convenables pour l'administration, la conservation, et l'aliénation, des biens nationaux ;
19. De déterminer la valeur, le poids, le titre, le type, et la dénomination des monnaies ;
20. D'adopter le système de poids et mesures qui paraîtra le plus utile et le plus équitable ;
21. De provoquer et encourager tout genre d'industrie, et de lever les obstacles qui en arrêtent les progrès ;
22. D'établir le plan général de l'enseignement public dans toute la Monarchie, et d'approuver celui pour l'éducation du Prince des Asturies ;
23. D'approuver les réglemens généraux de police et de santé dans le Royaume ;
24. De protéger la liberté politique de la Presse ;
25. De réaliser la responsabilité des Ministres et autres Fonctionnaires Publics ;
26. Enfin, il appartient aux Cortès de donner ou de refuser leur consentement dans tous les cas et à tous les actes où la Constitution le prescrit.

CHAPITRE VIII.—*De la formation des Lois et de la Sanction Royale.*

CXXXII. Tout Député a la faculté de proposer aux Cortès des Projets de Loi, en le faisant par écrit, et en exposant les motifs sur lesquels ils sont fondés.

CXXXIII. Deux jours au plus tard après qu'un Projet de Loi aura été présenté et lu, il sera lu pour la 2^{de} fois, et les Cortès délibéreront s'il sera admis ou non à la discussion.

CXXXIV. S'il est admis à la discussion, et que l'importance de l'objet exige, au jugement des Cortès, qu'il soit préalablement renvoyé à une Commission, le renvoi aura lieu.

CXXXV. Quatre jours, au plus tard, après que le Projet aura été admis à la discussion, on le lira une 3^{ème} fois, et alors on pourra indiquer le jour où la discussion sera ouverte.

CXXXVI. Le jour fixé pour la discussion étant arrivé, elle aura lieu pour la totalité, et pour chacun des Articles du Projet.

CXXXVII. Les Cortès décideront si la matière est suffisamment discutée, et si l'on a décidé pour l'affirmative, on prononcera, s'il y a lieu ou non, à recueillir les voix.

CXXXVIII. S'il y a lieu à émettre un vote, on y procédera sur-le-champ, en admettant ou rejetant, en tout ou en partie, le Projet, ou en le changeant et modifiant suivant les observations qui auront été faites pendant la discussion.

CXXXIX. On votera à la pluralité absolue des voix, et pour y procéder, il faudra au moins que la moitié, plus un, de la totalité des Députés qui doivent composer les Cortès, soient présents.

CXL. Si les Cortès rejettent un Projet de Loi, quelle qu'en ait été la discussion, ou s'ils décrètent qu'on ne doit pas recueillir les voix, il ne pourra plus être proposé dans la même année.

CXLI. Lorsqu'il aura été adopté, il sera rédigé double sous la forme de Loi, et lu dans les Cortès, après quoi les 2 Originaux, étant signés par le Président et les Secrétaires, seront présentés immédiatement au Roi par une Députation.

CXLII. La sanction des Lois appartient au Roi.

CXLIII. Le Roi donne la sanction par la Formule suivante, signée de sa main : "*Soit publié comme Loi.*"

CXLIV. Le Roi refuse sa sanction par la Formule suivante, également signée de sa main : "*Soit renvoyé aux Cortès ;*" en y joignant en même temps un exposé des raisons qu'il a eues pour refuser.

CXLV. Le Roi aura 30 jours pour user de cette prérogative. Si dans cet intervalle il n'a pas donné ou refusé sa sanction, il sera entendu qu'il l'a donnée, et il la donnera en effet.

CXLVI. La sanction ayant été donnée ou refusée par le Roi, un des 2 Originaux, avec la Formule prescrite, retournera aux Cortès pour leur en être rendu compte. Cet Original sera déposé dans les Archives des Cortès, et le double restera au Roi.

CXLVII. Si le Roi refuse sa sanction, le même objet ne sera plus discuté dans les Cortès dans la même année; cependant il pourra l'être l'année suivante.

CXLVIII. Si le même Projet est de nouveau proposé, admis, et approuvé, dans les Cortès de l'année suivante, le Roi pourra, lorsqu'il lui aura été présenté, donner sa sanction ou la refuser une 2^{de} fois, dans les termes des Articles CXLIII, CXLIV; et, dans le dernier cas, il ne sera plus traité du même objet dans cette année.

CXLIX. Si le même Projet est de nouveau, et pour la 3^{ème} fois, proposé, admis, et approuvé, dans les Cortès de l'année suivante, il sera entendu, par cela même, que le Roi y donne sa sanction; et lorsqu'il aura été présenté, il la donnera, par le fait, au moyen de la Formule exprimée dans l'Article CXLIII.

CL. Si avant l'expiration du terme de 30 jours, dans lequel le Roi doit donner ou refuser sa sanction, le jour où les Cortès doivent terminer leur Session arrivait, le Roi donnera ou refusera sa sanction dans les 8 premiers jours de la Session des Cortès suivans; et si ce terme passe sans qu'il l'ait donnée, il sera par cela même entendu qu'il l'a donnée, et il la donnera par le fait dans la forme prescrite. Mais si le Roi refusait de sanctionner, les Cortès pourront s'occuper de nouveau du même sujet.

CLI. Encore qu'il se passe une ou plusieurs années, après que le Roi aura donné ou refusé sa sanction à un Projet de Loi, sans que le même Projet soit proposé, s'il vient à être reproduit dans le temps de la même Députation qui l'avait adopté, pour la première fois, ou dans une des 2 Députations qui la suivront immédiatement, il sera toujours censé être le même Projet relativement aux effets de la sanction, dont parlent les 3 Articles précédens; mais s'il n'est pas reproduit pendant la durée des 3 Députations mentionnées, dût-il même être ensuite reproduit dans les mêmes limites, il sera regardé, quant aux effets mentionnés, comme un nouveau Projet.

CLII. Si la 2^{de} ou 3^{ème} fois que le Projet est proposé dans le terme que fixe l'Article précédent, il a été rejeté par les Cortès, il sera regardé comme un nouveau Projet en quelque temps qu'il se reproduise par la suite.

CLIII. Les Lois sont abrogées avec les mêmes formalités et par les mêmes voies qu'elles sont établies.

CHAPITRE IX.—*De la promulgation des Lois.*

CLIV. La Loi ayant été publiée dans les Cortès, il en sera donné avis au Roi, pour qu'il soit procédé de suite à la Promulgation solennelle.

CLV. Le Roi, pour promulguer les Lois, se servira de la Formule suivante: " N., (*le nom du Roi*) par la grâce de Dieu et par la Constitution de la Monarchie Espagnole, Roi des Espagnes, à tous ceux qui les présentes verront et entendront, faisons savoir que les Cortès

ont décrété, et nous sanctionnons, la suivante Loi (*ici le texte littéral de la Loi*), ordonnons donc à tous les Tribunaux, Cours de Justice, Chefs, Gouverneurs, et autres Autorités Civiles, Militaires, et Ecclésiastiques, de quelque classe et dignité qu'elles soient, qu'ils aient à garder et à faire garder, accomplir, et exécuter, la présente Loi dans toutes ses parties. Vous prendrez les mesures convenables pour qu'elle soit exécutée, et ferez les dispositions nécessaires pour qu'elle soit imprimée, rendue publique, et communiquée, à qui de droit." (*Elle est adressée au Ministre qu'elle concerne.*)

CLVI. Toutes les Lois seront envoyées, d'après l'ordre du Roi, par les Ministres respectifs de chaque Département, directement à tous et chacun des Tribunaux Suprêmes et des Provinces, et autres Chefs et Autorités Supérieurs, qui les transmettront aux Subalternes.

CHAPITRE X.—*De la Députation Permanente des Cortès.*

CLVII. Avant de se séparer, les Cortès nommeront une Députation, qui s'appellera Députation Permanente des Cortès, composée de 7 Membres pris dans son sein, 3 des Provinces de l'Europe, et 3 de celles d'Outre-mer, le 7^{ème} se tirera au sort entre 1 Député d'Europe et 1 d'Outre-mer.

CLVIII. Les Cortès nommeront en même temps 2 Suppléans pour cette Députation, 1 d'Europe, 1 d'Outre-mer.

CLIX. La Députation Permanente durera d'une Session Ordinaire des Cortès à l'autre.

CLX. Les pouvoirs attribués à cette Députation sont :

1. De veiller à ce que la Constitution et les Lois soient observées, afin de rendre compte à la prochaine assemblée des Cortès des infractions qu'elle aura reconnues ;

2. De convoquer les Cortès Extraordinaires dans les cas prescrits par la Constitution ;

3. De remplir les fonctions indiquées dans les Articles CXI et CXII ;

4. De donner avis aux Députés Suppléans pour concourir à la place des Députés primitifs ; et si les Députés primitifs et les Suppléans d'une Province venaient à manquer par une cause quelconque, de lui faire parvenir les ordres nécessaires pour qu'elle procède à une nouvelle Election.

CHAPITRE XI.—*Des Cortès Extraordinaires.*

CLXI. Les Cortès Extraordinaires seront composés des mêmes Députés qui composent les Cortès Ordinaires durant les 2 ans de leur Députation.

CLXII. La Députation Permanente des Cortès les convoquera dans les 3 cas suivans, en indiquant le jour de leur réunion :

1. Lorsque le Trône est vacant.

2. Lorsque le Roi est hors d'état de gouverner, de quelque manière que ce soit, ou qu'il demande à abdiquer la Couronne en faveur de son Successeur. La Députation Permanente est autorisée, dans le premier cas, à prendre tous les moyens qu'elle juge convenables pour s'assurer de l'incapacité du Roi.

3. Lorsqu'à raison de circonstances difficiles et pour des affaires graves, le Roi trouvera convenable que les Cortès s'assemblent, et qu'il en fait part en conséquence à la Députation Permanente des Cortès.

CLXIII. Les Cortès Extraordinaires ne s'occuperont que du seul objet pour lequel elles sont convoquées.

CLXIV. Les Sessions des Cortès Extraordinaires commenceront et se termineront avec les mêmes formalités que les Ordinaires.

CLXV. L'assemblée des Cortès Extraordinaires ne suspendra pas l'Election des nouveaux Députés à l'époque prescrite.

CLXVI. Si les Cortès Extraordinaires n'avaient pas terminé leur Session au jour indiqué pour la réunion des Cortès Ordinaires, les premiers cesseront leurs fonctions, et les Cortès Ordinaires continueront l'affaire pour laquelle les premiers auront été convoqués.

CLXVII. La Députation Permanente des Cortès continuera les fonctions qui lui sont indiquées dans les Articles CXI et CXII, dans le cas compris dans l'Article précédent.

TITRE IV.—*Du Roi.*

CHAPITRE I.—*De l'inviolabilité du Roi et de son Autorité.*

CLXVIII. La personne du Roi est sacrée et inviolable. Le Roi n'est sujet à aucune responsabilité.

CLXIX. Le Roi aura le titre de *Majesté Catholique*.

CLXX. Le pouvoir de faire exécuter les Lois est l'attribution exclusive du Roi, et son autorité s'étend à tout ce qui a pour objet la conservation de l'ordre public dans l'intérieur et la sûreté extérieure de l'Etat, en se conformant à la Constitution et aux Lois.

CLXXI. Outre la prérogative qui appartient au Roi de sanctionner et de promulguer les Lois, il exerce les fonctions suivantes, qui sont ses principales attributions :

1. Il rend les Décrets, Réglemens, et Instructions, qu'il croit nécessaires pour l'exécution des Lois.

2. Il veille à ce que la justice soit promptement et complètement rendue dans tout le Royaume.

3. Il déclare la guerre, fait et ratifie la paix, et en rend aux Cortès un compte motivé.

4. Il nomme les Magistrats de tous les Tribunaux Civils et Criminels, sur la présentation qui lui en est faite par le Conseil d'Etat.

5. Il nomme à tous les Emplois civils et militaires.

6. Il nomme à tous les Evêchés et à toutes les dignités et bénéfices

Ecclesiastiques du patronage royal, sur la présentation du Conseil d'Etat.

7. Il accorde des honneurs et des distinctions de toute classe, conformément à ce qui sera prescrit par les Lois.

8. Il commande les Armées et les Flottes, et nomme les Généraux.

9. Il dispose de la Force armée, et la distribue comme il le juge convenable.

10. Il dirige les Relations diplomatiques et commerciales avec les autres Puissances, et nomme les Ambassadeurs, Ministres, et Consuls.

11. Il veille à la fabrication des Monnaies, sur lesquelles il fait mettre son effigie et son nom.

12. Il décrète l'emploi des fonds destinés à chacune des branches de l'Administration publique.

13. Il fait grâce aux Coupables, en se conformant aux Lois.

14. Il propose aux Cortès les Lois ou les changemens qu'il croit nécessaires pour le bien de la Nation, pour qu'ils en délibèrent en la forme prescrite.

15. Il admet dans le Pays, ou il arrête, les Décrets Consistoriaux et les Bulles Pontificales, d'après le consentement des Cortès, dans le cas où les dispositions qu'ils contiennent sont générales; il entendra le Conseil d'Etat, s'ils concernent les affaires particulières ou administratives; s'ils concernent les affaires contentieuses, il les fera examiner par le Tribunal Supérieur de Justice, qui les jugera conformément aux Lois.

16. Il nomme et renvoie librement les Secrétaires d'Etat et de Dépêche.

CLXXII. L'Autorité Royale est soumise aux restrictions suivantes :

1. Le Roi ne peut empêcher, sous aucun prétexte, la réunion des Cortès aux époques et dans les circonstances prévues par la Constitution, ni les suspendre, ni les dissoudre, ni en aucune manière entraver leurs séances et délibérations. Ceux qui le conseilleraient ou l'aideraient dans une tentative ayant pour but des actes de cette nature, sont déclarés traîtres, et seront poursuivis comme tels.

2. Le Roi ne peut sortir du Royaume sans le consentement des Cortès; s'il le fait, il est censé avoir abdiqué la Couronne.

3. Le Roi ne peut aliéner, céder, abandonner, ni, de quelque manière que ce soit, transporter, à un autre, l'Autorité Royale, ni aucune de ses prérogatives. Si, pour une cause quelconque, il veut abdiquer la Couronne en faveur de son Successeur immédiat, il ne peut le faire sans le consentement des Cortès.

4. Le Roi ne peut aliéner, céder, ou échanger, aucune Province, Ville, Bourg, ou Village, ni aucune portion, quelque petite qu'elle puisse être, du Territoire Espagnol.

5. Le Roi ne peut faire d'Alliance offensive, ni de Traité Spécial de Commerce, avec aucune Puissance Etrangère, sans le consentement des Cortès.

6. Il ne peut non plus s'obliger, par aucun Traité, à fournir des subsides à aucune Nation Etrangère, sans le consentement des Cortès.

7. Le Roi ne peut céder ni aliéner les biens nationaux, sans le consentement des Cortès.

8. Le Roi ne peut exiger directement par lui, ni indirectement, aucuns impôts ou contributions, ou les demander sous quelque dénomination ou quelque prétexte que ce soit ; mais ils doivent toujours être décrétés par les Cortès.

9. Le Roi ne peut accorder de privilège exclusif à aucune Personne ou Corporation.

10. Le Roi ne peut ôter à aucun Particulier, ni à aucune Corporation, leur propriété, ni les troubler dans la possession, usage, ou profit de la dite propriété ; et si, dans un cas quelconque, il est nécessaire, pour un objet d'utilité commune et reconnue, de prendre la propriété d'un Particulier, il ne pourra le faire sans l'indemniser sur-le-champ, et sans lui en donner la valeur bien constatée par experts.

11. Le Roi ne peut priver aucun Individu de sa liberté, ni lui infliger aucune peine de son autorité privée. Le Ministre qui signe l'ordre, et le Juge qui l'exécute, seront responsables envers la Nation, et punis comme coupables d'attentat contre la liberté individuelle.

Seulement, dans le cas où le bien et la sûreté de l'Etat exigent l'arrestation d'un Individu, le Roi pourra donner des ordres à cet effet, mais à la condition que, dans les 48 heures, il le fera livrer et mettre à la disposition du Tribunal ou Juge compétent.

12. Le Roi, avant de contracter mariage, en fera part aux Cortès, pour obtenir leur consentement ; et s'il ne le fait pas, il est censé abdiquer la Couronne.

CLXXIII. Le Roi, à son avènement au Trône, et s'il est Mineur, lorsqu'il arrivera au Gouvernement, prêtera serment devant les Cortès, conformément à la Formule suivante :

“ N.... (*ici le nom du Roi*) par la grâce de Dieu et la Constitution de la Monarchie Espagnole, Roi des Espagnes ;—je jure par Dieu et les Saints Evangiles de défendre et conserver la Religion Catholique, Apostolique et Romaine, sans en permettre aucune autre dans le Royaume ; de garder et faire garder la Constitution Politique et les Lois de la Monarchie Espagnole, ne considérant, en tout ce que je ferai, que son bien et son avantage ; de n'aliéner, céder, ni démembrer, aucune portion du Royaume ; de ne jamais exiger aucuns revenus, deniers, ni autre chose que ce qui aura été décrété par les Cortès ; de ne jamais dépouiller personne de sa propriété ; de respecter surtout la liberté politique de la Nation, et la liberté individuelle de chaque individu. Et si j'agis d'une manière contraire à ce que j'ai juré, soit en tout, soit en partie, non-seulement je ne dois pas être obéi, mais ce en quoi j'aurai contrevenu à mon serment, sera nul et de nul effet. Sur quoi Dieu me soit en aide et me défende, et sinon qu'Il m'en fasse rendre compte.”

CHAPITRE II.—*De la Succession à la Couronne.*

CLXXIV. Le Royaume d'Espagne est indivisible, et, dès la promulgation de la Constitution, le Trône sera transmis par une succession perpétuelle, dans l'ordre régulier de primogéniture, et de représentation, entre les Descendans légitimes, hommes et femmes, et dans les lignes qui seront déterminées.

CLXXV. Ne peuvent être Rois d'Espagne que les Personnes nées d'un mariage constant et légitime.

CLXXVI. Dans un même degré et une même ligne, les mâles seront préférés aux femelles, et toujours l'ainé aux cadets. Cependant les femelles d'une ligne ou d'un degré plus proche, quoique dans la même ligne, seront préférées aux mâles de ligne ou degré plus éloigné.

CLXXVII. Le Fils ou la Fille du premier-né du Roi, dans le cas où son père viendrait à mourir sans avoir succédé à la Couronne, est préféré aux Oncles, et succède immédiatement à son Grand-père par droit de représentation.

CLXXVIII. La ligne inférieure ne peut entrer en succession tant que la ligne qui jouit de la succession n'est pas éteinte.

CLXXIX. Le Roi des Espagnes est le Señor Don Ferdinand VII de Bourbon, qui règne actuellement.

CLXXX. Au défaut du Señor Don Ferdinand VII de Bourbon, succéderont ses Descendans légitimes, mâles et femelles. Au défaut de ceux-ci, succéderont ses frères et sœurs, et ses oncles et tantes, frères et sœurs de son père, soit mâles ou femelles, ainsi que les enfans légitimes de ceux-ci dans l'ordre déterminé, observant toujours le droit de représentation et la préférence pour les lignes plus proches, sur les plus éloignées.

CLXXXI. Les Cortès doivent exclure de la succession l'individu ou les individus incapables de gouverner, ou qui ont commis un acte par lequel ils méritent de perdre la Couronne.

CLXXXII. Dans le cas où toutes les lignes dont il a été parlé viendraient à s'éteindre, les Cortès appelleront une autre Famille à la Couronne, d'après l'intérêt de la Nation, et on se conformera toujours à l'ordre et aux règles de succession établies dans ce Chapitre.

CLXXXIII. Lorsque la Couronne doit échoir immédiatement, ou est échue à une femme, celle-ci ne pourra choisir un mari sans le consentement des Cortès, et si elle agissait autrement, il est entendu qu'elle a abdiqué la Couronne.

CLXXXIV. Dans le cas où une femme viendrait à régner, son mari n'aura aucune autorité dans les affaires du Royaume, ni aucune part dans le Gouvernement.

CHAPITRE III.—*De la Minorité du Roi, et de la Régence.*

CLXXXV. Le Roi est mineur jusqu'à 18 ans accomplis.

CLXXXVI. Pendant la minorité du Roi, le Royaume sera gouverné par une Régence.

CLXXXVII. Il en sera de même quand le Roi, par quelque cause physique ou morale, se trouvera dans l'incapacité d'exercer son autorité.

CLXXXVIII. Si l'incapacité du Roi excède le terme de 2 années, et que le Successeur immédiat soit majeur et âgé de 18 ans, les Cortès pourront le nommer Régent du Royaume, au lieu de la Régence.

CLXXXIX. Dans le cas de la vacance du Trône, pendant que le Prince des Asturies serait mineur, si les Cortès Ordinaires n'étaient pas assemblés, il y aura, jusqu'à ce que les Cortès Extraordinaires se réunissent, une Régence Provisoire, composée de la Reine-mère, si elle existe, de 2 Membres de la Députation Permanente des Cortès, les plus anciens suivant l'ordre de leur élection, et de 2 Conseillers d'Etat, les plus anciens ; savoir : le doyen et le suivant. S'il n'y a pas de Reine-mère, le 3ème Conseiller d'Etat, par rang d'ancienneté, sera Membre de la Régence.

CXC. La Régence Provisoire sera présidée par la Reine-mère, si elle existe, et à son défaut par le Membre de la Députation Permanente des Cortès, qui sera le plus ancien par son rang d'élection à cette Députation.

CXCI. La Régence Provisoire n'expédiera que les affaires qui ne souffrent pas de délai, et ne destituera et ne nommera aucun Fonctionnaire Public, si ce n'est par intérim.

CXCII. Les Cortès Extraordinaires étant réunis nommeront une Régence, composée de 3 ou de 5 Personnes.

CXCIII. Pour pouvoir être Membre de la Régence, il faut être Citoyen jouissant de l'exercice de ses droits. Les Etrangers en sont exclus, lors même qu'ils auraient obtenu des Lettres de Citoyen.

CXCIV. La Régence sera présidée par celui de ses Membres que les Cortès désigneront. Aux Cortès appartiendra de déterminer, en cas que cela soit nécessaire, si les Membres de la Régence devront présider tour-à-tour, et suivant quel mode.

CXCV. La Régence exercera l'Autorité Royale avec les restrictions déterminées par les Cortès.

CXCVI. L'une et l'autre Régence prêteront serment suivant la Formule prescrite en l'Article CLXXIII, en y ajoutant la Clause d'être fidèles au Roi ; et la Régence Permanente y ajoutera en outre, celles d'observer les conditions qui lui auront été imposées par les Cortès, pour l'exercice de son autorité, et, aussitôt que le Roi sera devenu majeur, ou que l'empêchement aura cessé, de lui remettre le Gouvernement du Royaume, sous peine, s'ils différaient un moment de le faire, d'être poursuivis et punis comme Traîtres.

CXCVII. Tous les Actes de la Régence seront publiés au nom du Roi.

CXCVIII. La tutelle du Roi mineur appartiendra à la Personne que le feu Roi aura nommée par son testament. S'il n'y a pas pourvu, sera Tutrice la Reine-mère, tant qu'elle restera veuve. A son défaut, le Tuteur sera nommé par les Cortès; dans le 1er et le 3ème cas, le Tuteur devra être naturel du Royaume.

CXCIX. La Régence veillera à ce que l'éducation du Roi mineur soit la plus convenable au grand objet de sa haute dignité, et qu'elle soit conforme au plan approuvé par les Cortès.

CC. Les Cortès détermineront le traitement dont jouiront les Membres de la Régence.

CHAPITRE IV.—De la Famille Royale, et de la reconnaissance du Prince des Asturies.

CCI. Le Fils aîné du Roi portera le titre de Prince des Asturies.

CCII. Les autres Fils et Filles du Roi seront Infans et Infantes des Espagnes, et en porteront le titre.

CCIII. Seront pareillement Infans et Infantes des Espagnes les Fils et les Filles du Prince des Asturies.

CCIV. A ces Personnes appartiendra exclusivement la qualité d'Infans et Infantes des Espagnes, sans qu'elle puisse s'étendre à d'autres.

CCV. Les Infans et Infantes des Espagnes jouiront des distinctions et honneurs dont ils ont joui jusqu'à ce jour, et pourront être nommés à toute espèce de fonctions, hormis les fonctions judiciaires et celles de Membres des Cortès.

CCVI. Le Prince des Asturies ne pourra sortir du Royaume sans le consentement des Cortès : s'il en sort sans l'avoir obtenu, il sera pas cela même exclu de la succession à la Couronne.

CCVII. Il en sera de même s'il reste hors du Royaume au-delà du temps limité par le consentement des Cortès, et si, requis de revenir, il n'a pas obtempéré à la sommation dans le délai prescrit par les Cortès.

CCVIII. Le Prince des Asturies, les Infans et Infantes des Espagnes, leurs Fils et Descendans, qui seront Sujets du Roi, ne pourront se marier sans le consentement du Roi et des Cortès, sous peine de perdre leur droit de succession à la Couronne.

CCIX. Une Copie authentique des actes de naissance, de mariage, et de mort, de toutes les Personnes de la Famille Royale, sera remise aux Cortès, et, à leur défaut, à la Députation Permanente, pour être déposée dans leurs Archives.

CCX. Le Prince des Asturies sera reconnu par les Cortès, avec les formalités déterminées par leur règlement intérieur.

CCXI. Cette reconnaissance sera faite par les premiers Cortès qui s'assembleront après sa naissance.

CCXII. Le Prince des Asturies, lorsqu'il aura atteint l'âge de 14

ans, prêtera serment devant les Cortès, dans la forme suivante : “ N— (*le nom du Prince*) Prince des Asturies ; je jure par Dieu et les Saints Evangiles, de défendre et conserver la Religion Catholique, Apostolique et Romaine, sans en permettre aucune autre dans le Royaume, d’observer la Constitution Politique de la Monarchie Espagnole, et d’être fidèle et obéissant au Roi. Sur ce, Dieu me soit en aide.”

CHAPITRE V.—*De la Dotation de la Famille Royale.*

CCXIII. Les Cortès fixeront pour le Roi la dotation annuelle de sa Maison, d’une manière qui soit analogue à la haute dignité de sa Personne.

CCXIV. Au Roi appartiennent tous les Palais Royaux dont ont joui ses Prédécesseurs, et les Cortès fixeront les terrains qu’ils croiront à propos de réserver pour les plaisirs de sa Personne.

CCXV. Pour l’entretien du Prince des Asturies, à compter du jour de sa naissance, et pour celui des Infans et Infantes, lorsqu’ils auront atteint l’âge de 7 ans, les Cortès détermineront des sommes annuelles proportionnées à leurs dignités respectives.

CCXVI. Lorsque les Infantes se marieront, les Cortès fixeront la somme qu’ils jugeront convenable, à titre de dot, et cette dot payée, la pension annuelle cessera.

CCXVII. Si les Infans se marient dans les Espagnes, leurs pensions continueront à leur être payées ; mais s’ils se marient hors d’Espagne, ces pensions cesseront d’avoir lieu, et il leur sera, une fois seulement, payé telle somme que les Cortès aviseront.

CCXVIII. Les Cortès fixeront la pension dont devra jouir la Reine Douairière.

CCXIX. Le traitement des Membres de la Régence sera pris sur la dotation fixée pour la Maison du Roi.

CCXX. La dotation de la Maison du Roi et les Pensions de sa Famille, dont il est parlé aux Articles précédens, seront fixées par les Cortès, au commencement de chaque Règne, sans que dans le courant du même Règne il puisse y être fait de changement.

CCXXI. Toutes ces sommes seront à la charge de la Trésorerie Nationale, qui les versera entre les mains de l’Administrateur nommé par le Roi, au nom duquel Administrateur seront traitées toutes les actions actives et passives qui pourront avoir lieu pour raison d’intérêts.

CHAPITRE VI.—*Des Secrétaires d’Etat et de Dépêche.*

CCXXII. Les Secrétaires de Dépêche seront au nombre de 7 ; savoir :

Le Ministre Secrétaire d’Etat.

Le Ministre de l’Intérieur, pour la Péninsule et les Iles adjacentes ;

Le Ministre de l’Intérieur, pour les Pays d’Outre-mer ;

Le Ministre de Grâce et de Justice ;

Le Ministre des Finances ;

Le Ministre de la Guerre ;

Le Ministre de la Marine.

Les Cortès successifs pourront faire, dans ce système ministériel, les changemens que l'expérience et les circonstances exigeront.

CCXXIII. On ne peut être Ministre sans être Citoyen ayant l'exercice de ses droits. Les Etrangers, lors même qu'ils auraient reçu des Lettres de Citoyen, sont exclus de cette fonction.

CCXXIV. Un règlement particulier, approuvé par les Cortès, déterminera les affaires qui entreront dans le Département de chaque Ministre.

CCXXV. Tous les Ordres du Roi devront être signés par le Ministre dans les attributions duquel se trouvera l'affaire dont il sera question. Aucun Tribunal, aucun Officier Public, n'exécutera ou ne fera exécuter d'ordre qui ne serait pas revêtu de cette formalité.

CCXXVI. Les Ministres seront responsables aux Cortès des Ordres contraires à la Constitution et aux Lois, sans qu'ils puissent s'excuser qu'ils les auraient signés sur le commandement du Roi.

CCXXVII. Les Ministres formeront, chaque année, le Budget des Dépenses du Gouvernement, chacun dans son Département respectif, et rendront compte de l'emploi des sommes allouées, de la manière qui sera déterminée.

CCXXVIII. Les Ministres ne pourront être poursuivis, pour cause de la responsabilité, qu'après que les Cortès auront décrété qu'il y a lieu à une accusation.

CCXXIX. Le Décret d'accusation étant rendu, le Ministre sera suspendu de ses fonctions, et les Cortès remettront à la Cour Suprême de Justice, toutes les pièces relatives au procès qui devra s'instruire dans la dite Cour, qui l'examinera et prononcera conformément aux Lois.

CCXXX. Les Cortès fixeront le traitement que les Ministres doivent recevoir pendant l'exercice de leur charge.

CHAPITRE VII.—*Du Conseil d'Etat.*

CCXXXI. Il y aura un Conseil d'Etat, composé de 40 Membres, Citoyens ayant l'exercice de leurs droits : les Etrangers qui même auraient reçu des Lettres de Citoyen en sont exclus.

CCXXXII. Il sera exactement composé ainsi qu'il suit : 4 Ecclésiastiques, recommandables et bien connus par leur mérite et leurs lumières, dont 2 Evêques ; 4 Grands d'Espagne, doués de vertus, de talens et de connaissances requises ; les autres Membres seront pris parmi les Citoyens qui se seront distingués par leurs talens et leurs connaissances, et par les services signalés qu'ils auront rendus dans quelques-unes des parties de l'Administration et du Gouvernement de

l'Etat. Les Cortès ne pourront proposer pour ces Places aucun Individu, Membre des Cortès au moment d'élection. Sur les Membres du Conseil d'Etat, 12, au moins, seront nés dans les Provinces d'Outre-mer.

CCXXXIII. Tous les Membres du Conseil d'Etat seront nommés par le Roi, sur la présentation des Cortès.

CCXXXIV. Pour la formation de ce Conseil, les Cortès feront une Liste triple, de Sujets de toutes les classes, dans la proportion déterminée ; le Roi y choisira les 40 Membres qui doivent composer le Conseil d'Etat, en prenant les Ecclésiastiques de la Liste de leur classe, les Grands de la leur, et ainsi de suite.

CCXXXV. Lorsqu'il surviendra une vacance au Conseil d'Etat, les premiers Cortès qui auront lieu présenteront au Roi 3 Personnes de la classe respective, afin qu'il élise celle qu'il voudra.

CCXXXVI. Le Conseil d'Etat est le seul Conseil du Roi, et donnera son avis dans les affaires importantes de Gouvernement, spécialement lorsqu'il s'agira de donner ou de refuser à une Loi la sanction Royale, de déclarer la guerre, et de faire les Traités.

CCXXXVII. A ce Conseil appartiendra de présenter, par Listes triples, aux Bénéfices Ecclésiastiques, et aux Places de Judicature.

CCXXXVIII. Le Roi dressera un Règlement pour la police du Conseil d'Etat, après avoir préalablement entendu ledit Conseil ; et ce règlement sera soumis à l'approbation des Cortès.

CCXXXIX. Les Conseillers d'Etat ne pourront être destitués sans des motifs approuvés par la Cour Suprême de Justice.

CCXL. Les Cortès fixeront le traitement dont doivent jouir les Conseillers d'Etat.

CCXLI. Les Conseillers d'Etat, en prenant possession de leurs places, jureront entre les mains du Roi d'observer la Constitution, d'être fidèles au Roi, et de ne lui conseiller que ce qu'ils croiront utile au bien de la Nation, sans avoir égard aux individus ni aux intérêts particuliers.

TITRE V.—*Des Tribunaux et de l'Administration de la Justice Civile et Criminelle.*

CHAPITRE I.—*Des Tribunaux.*

CCXLII. Le pouvoir d'appliquer les Loix dans les Causes civiles et criminelles appartient exclusivement aux Tribunaux.

CCXLIII. Les Cortès ni le Roi ne pourront en aucun cas exercer les fonctions judiciaires, évoquer une cause pendante, ni remettre en cause un procès jugé.

CCXLIV. Les Loix prescriront l'ordre et la forme des procédures,

qui seront uniformes dans tous les Tribunaux, et dont les Cortès ni le Roi ne pourront dispenser.

CCXLV. Les Tribunaux ne pourront exercer d'autres fonctions que celle de juger et de disposer les choses pour que le jugement soit exécuté.

CCXLVI. Ils ne pourront suspendre l'exécution des Lois, ni faire aucun règlement pour l'administration de la justice.

CCXLVII. Aucun Espagnol ne pourra être jugé, dans les Causes civiles et criminelles, par aucune Commission, que par le Tribunal compétent désigné antérieurement par la Loi.

CCXLVIII. Il n'y aura dans les affaires ordinaires, civiles, et criminelles, qu'une seule juridiction pour toutes les classes de Personnes.

CCXLIX. Les Ecclésiastiques continueront à jouir de la juridiction de leur état d'après les termes prescrits par les Lois, ou d'après ceux qu'elles prescriront par la suite.

CCL. Les militaires jouiront aussi d'une juridiction particulière d'après les termes prescrits, ou qui seront prescrits à l'avenir, par des Ordonnances.

CCLI. Pour être nommé Magistrat ou Juge, il faut être né sur le Territoire Espagnol, et avoir 25 ans révolus. Les autres qualités nécessaires pour remplir l'une ou l'autre de ces fonctions seront déterminées par la Loi.

CCLII. Les Magistrats et les Juges ne pourront être destitués de leurs charges, soit temporaires, soit à vie, si ce n'est pour une cause légalement prouvée et jugée; ils ne pourront être suspendus que sur une accusation légalement intentée.

CCLIII. S'il est porté des plaintes au Roi contre un Magistrat, et si, après avoir formé une enquête, ces plaintes paraissent fondées, le Roi, ayant entendu son Conseil d'Etat, pourra suspendre ce Magistrat, en transmettant immédiatement l'enquête au Tribunal Suprême de Justice, afin que celui-ci juge conformément aux Lois.

CCLIV. Les Juges sont responsables personnellement de toutes les fautes qu'ils commettront dans l'application des Lois qui déterminent la procédure dans le Civil et dans le Criminel.

CCLV. La subornation, la corruption, et la prévarication, des Magistrats et des Juges produisent une action populaire contre les individus qui s'en rendent coupables.

CCLVI. Les Cortès assigneront aux Magistrats et aux Juges Lettrés un traitement convenable.

CCLVII. La justice sera administrée au nom du Roi; et les Arrêts et les Ordres des Tribunaux Supérieurs seront enregistrés en son nom.

CCLVIII. Le Code Civil et Criminel, ainsi que le Code de Commerce, seront les mêmes pour toute la Monarchie, sauf les modifications qui pourront y être apportées par les Cortès, selon les circonstances.

CCLIX. Il y aura dans la Capitale du Royaume un Tribunal Suprême de Justice.

CCLX. Les Cortès fixeront le nombre de Magistrats et des Chambres dont il doit être composé.

CCLXI. Il appartient à ce Tribunal Suprême :

1. De régler les compétences entre les Cours de Justice sur tout le Territoire Espagnol, et entre les Cours de Justice et les Tribunaux Spéciaux, qui existent dans la Péninsule et les Iles adjacentes. La compétence entre les Cours de Justice et les Tribunaux d'Outre-mer sera déterminée par les Lois.

2. De juger les Ministres d'Etat et de Dépêche, lorsque les Cortès décréteront qu'il y a lieu de les mettre en jugement.

3. De connaître les Causes de destitution et de suspension des Conseillers d'Etat, et des Magistrats des Cours de Justice.

4. De connaître des crimes des Ministres d'Etat et de Dépêche, des Conseillers d'Etat, et des Magistrats des Cours judiciaires : l'instruction de ces Procès appartenant au Chef Politique Supérieur, et devant être remise par lui au Tribunal Suprême.

5. De connaître de toutes les Causes criminelles qui seront intentées contre les individus de ce Tribunal Suprême. S'il arrive qu'il soit nécessaire d'agir en vertu de la responsabilité de ce Tribunal Suprême, les Cortès, après avoir rempli la formalité exigée par l'Article CCXXVIII, nommeront à cet effet un Tribunal composé de 9 Juges, qui seront élus par le sort, sur une liste en nombre double.

6. De connaître des délits de tout Employé public soumis à sa juridiction, d'après les Lois.

7. De connaître de toutes les affaires contentieuses qui concernent le patronage du Roi.

8. De connaître des Appels en cas d'infractions commises par les Tribunaux Ecclésiastiques Supérieurs de la Capitale.

9. De connaître des Appels en nullité qui ont lieu contre les Sentences portées en dernière instance, afin de recommencer le Procès, et de rendre effective la responsabilité dont il est question dans l'Article CCLIV. Ces Appels se feront aux Cours de Justice dans les Pays d'Outre-mer, et d'après la forme qui sera prescrite en son lieu.

10. D'écouter l'exposé de cas douteux qui lui seront présentés par les autres Tribunaux sur l'obscurité de quelques Lois, de consulter à ce sujet le Roi, et lui exposer les motifs qui peuvent provoquer une explication de la part des Cortès.

11. D'examiner les Listes des Causes civiles et criminelles, qui doivent être présentées par les Cours de Justice, afin d'accélérer l'administration de la justice, et d'en remettre, dans ce même but, une Copie au Gouvernement, et de la rendre publique par la voie de l'impression.

CCLXII. Les Causes civiles et criminelles se termineront dans le Territoire de chaque Cour de Justice.

CCLXIII. Il appartient aux Cours de Justice de connaître de toutes les Causes civiles des Tribunaux inférieurs, dépendans de leur ressort en 2^{de} et 3^{ème} instance, et également des criminelles, comme le prescrivent les Lois. Ils prendront aussi connaissance des Causes de destitution et de suspension, qui concernent les Juges inférieurs de leur juridiction, d'après le mode que prescrivent les Lois, et ils en avertiront le Roi.

CCLXIV. Les Magistrats qui auront faillis dans un Jugement de 2^{de} instance, ne pourront être présens au Procès qui aura lieu en 3^{ème} instance.

CCLXV. Il appartiendra également aux Cours de Justice de connaître de la compétence entre les Juges subalternes de leur juridiction.

CCLXVI. Il leur appartiendra de connaître des Appels pour les infractions qui pourront être commises par les Tribunaux et Autorités Ecclésiastiques de leur juridiction.

CCLXVII. Ils pourront aussi recevoir, de la part des Juges subalternes de leur juridiction, des avis relatifs aux Causes intentées pour délits, et des listes des Causes civiles et criminelles, pendantes dans leurs Tribunaux, avec l'état où elles se trouvent, afin de provoquer une prompte reddition de Justice.

CCLXVIII. Il appartiendra aux Cours de Justice d'Outre-mer de connaître des appels en matière de nullité ; ces appels doivent être portés aux Cours de Justice composées d'un assez grand nombre de Membres pour former 3 Chambres, devant lesquelles la même Cause n'ait été plaidée en aucune instance. Lorsque ces Cours de Justice n'auront pas un nombre de Membres suffisant, les Appels auront lieu réciproquement d'un Tribunal à l'autre, dans le District du même Gouvernement Supérieur. Mais dans le cas où il ne se trouvera qu'une seule Cour de Justice dans le même District, on aura recours à celle du District voisin.

CCLXIX. Lorsqu'un Cours de Justice a déclaré qu'il y a lieu à nullité, il en rendra compte au Tribunal Suprême de Justice, en donnant les motifs de son jugement, afin que la responsabilité, dont il s'agit dans l'Article CCLIV, puisse avoir lieu.

CCLXX. Les Cours de Justice remettront, chaque année, au Tribunal Suprême de Justice, des listes exactes des Causes civiles, et tous les 6 mois celles des Causes criminelles, soit qu'elles aient été jugées ou qu'elles soient pendantes, avec l'exposé de l'état où elles se trouvent. Ils remettront pareillement celles qu'ils auront reçues des Juges inférieurs.

CCLXXI. On fixera, par des Lois et des Réglemens particuliers, le nombre des Magistrats qui devront composer les Cours de Justice, lesquels Magistrats ne pourront être moins de 7 ; l'organisation de ces Tribunaux, ainsi que le lieu de leur résidence, seront pareillement déterminés.

CCLXXII. Lorsqu'il s'agira de régler la division du Territoire Espagnol, conformément à l'Article XI, on aura égard au nombre de Cours de Justice à établir, et on fixera le territoire de leur juridiction.

CCLXXIII. On établira des Districts d'une étendue proportionnellement égale, et il y aura dans chacune de leurs Capitales un Juge Lettré, avec un Tribunal.

CCLXXIV. L'attribution de ces Juges se bornera à la partie contentieuse; et les Lois régleront celles qui appartiendront aux Capitales et aux Communes de ces Districts, ainsi que les affaires civiles dont ils pourront connaître sans appel.

CCLXXV. On établira, dans toutes les Communes, des Alcades, dont les attributions contentieuses et de police seront réglées par les Lois.

CCLXXVI. Tous les Juges des Tribunaux Inférieurs devront rendre compte, le 3ème jour au plus tard, à la Cour de Justice de la juridiction dont ils dépendent, des Causes intentées pour les délits commis dans leur territoire; ils continueront ensuite de rendre compte de l'état de ces procédures aux époques qui seront fixées par la Cour de Justice.

CCLXXVII. Ils enverront pareillement, tous les 6 mois, aux Cours de Justice respectives, les listes générales des Causes civiles; et tous les 3 mois, celles des Causes criminelles de leur ressort, avec l'exposition de l'état où elles se trouvent.

CCLXXVIII. Les Lois fixeront, s'il est nécessaire, l'établissement de Tribunaux Spéciaux pour certaines Causes.

CCLXXIX. Les Magistrats et les Juges, en prenant possession de leur charge, jureront le maintien de la Constitution, la fidélité au Roi, l'observation des Lois, et d'administrer impartialement la Justice.

CHAPITRE II.—*De l'Administration de la Justice Civile.*

CCLXXX. On ne pourra priver aucun Espagnol du droit de terminer ses différends par le moyen d'Arbitres élus par les 2 parties.

CCLXXXI. La Sentence portée par les Arbitres aura son exécution, à moins que les parties ne se soient réservé, par une convention, le droit d'appel.

CCLXXXII. L'Alcade de chaque Commune y exercera l'office de conciliateur, et toute Personne qui aura une action à intenter, soit en matière civile, soit pour cause d'outrages, devra s'adresser pour cet objet à cette Autorité.

CCLXXXIII. L'Alcade, conjointement avec 2 hommes de bien, nommés chacun par l'une des parties, écoutera le demandeur et le défendeur, s'informeront, prendra connaissance des raisons qu'ils allèguent respectivement, et dirigera, après avoir entendu l'avis de ses 2 assistants,

les mesures qui lui paraîtront les plus propres à terminer le différend sans procès, ainsi que cela aura lieu, si les parties veulent se conformer à cette décision extrajudiciaire.

CCLXXXIV. On ne pourra intenter aucun Procès sans avoir prouvé, auparavant, qu'on a eu recours aux voies de conciliation.

CCLXXXV. Il y aura dans toutes les Causes, de quelque nature qu'elles soient, au plus, 3 instances et 3 sentences définitives. Dans le cas où l'on appelle de 2 Sentences identiques à une troisième instance, le nombre des Juges qui doivent prononcer sera plus considérable que celui qui aura prononcé dans la seconde, d'après la forme prescrite par la Loi. La Loi déterminera aussi, d'après l'identité des Causes, la nature et la qualité des différens jugemens, quelle doit être la Sentence qui, dans l'un ou l'autre cas, doit être exécutoire.

CHAPITRE III.—*De l'administration de la Justice en matière criminelle.*

CCLXXXVI. Les Loix régleront l'administration de la justice en matière criminelle, de manière que la procédure soit faite avec célérité et sans vice, afin que les délits subissent un prompt châtement.

CCLXXXVII. Aucun Espagnol ne pourra être arrêté, sans que préalablement il soit dressé une information touchant le fait d'après lequel il mérite d'être puni par une peine corporelle, et sans qu'en même temps le Juge ne donne un ordre par écrit, qui sera notifié à l'Accusé dès l'instant de sa détention.

CCLXXXVIII. Toute Personne est tenue d'obéir à cet ordre : une résistance quelconque sera considérée comme délit grave.

CCLXXXIX. Lorsqu'il y aura lieu de craindre la résistance ou la fuite, on pourra employer la force pour s'assurer d'une Personne.

CCXC. Le détenu sera présenté au Juge avant d'être conduit en prison, afin qu'il en reçoive une déclaration, à moins qu'il ne survienne quelque empêchement ; et, dans ce cas, on le conduira en prison en qualité de détenu, et le Juge recevra sa déclaration dans le délai de 24 heures.

CCXCI. La déclaration de la Personne arrêtée se fera sans prêter serment, et on ne le doit jamais en demander sur des faits personnels en matière criminelle.

CCXCII. Tout Délinquant peut être arrêté en flagrant délit, et chacun a le droit de faire cette arrestation et de le conduire en la présence du Juge. Après sa présentation ou sa détention en prison, on procédera en tout ainsi qu'il est établi dans les 2 Articles précédens.

CCXCIII. Dans le cas où il sera décidé que la Personne arrêtée doit être mise en prison, ou qu'elle y demeurera en qualité de détenu, on dressera un acte motivé, dont copie sera envoyée au Geôlier, pour qu'il en fasse l'insertion sur le Registre des Prisons, et celui-ci, dans

le cas où cette formalité ne serait pas remplie, n'admettra Personne en qualité de prisonnier, sous peine de la responsabilité la plus sévère.

CCXCIV. La saisie des biens des détenus ne pourra avoir lieu que dans les seuls délits qui entraînent avec eux une responsabilité pécuniaire, et en proportion de la quotité exigible.

CCXCV. On ne conduira pas en prison la Personne qui donnera une caution, dans les cas où la Loi ne défend pas expressément qu'elle soit reçue.

CCXCVI. Dans tout état de cause où il paraît que la peine capitale ne peut être infligée au détenu, on le mettra en liberté, pourvu qu'il fournisse une caution.

CCXCVII. Les prisons seront disposées de manière que les détenus soient en sûreté, sans être molestés. Le Geôlier s'assurera de leurs personnes, en mettant dans des lieux séparés ceux qui doivent être tenus au secret ; mais il ne les enfermera jamais dans des souterrains et des lieux malsains.

CCXCVIII. La Loi déterminera les époques où il sera fait des visites dans les prisons, et aucun prétexte ne pourra servir d'excuse pour ne pas présenter alors les détenus.

CCXCIX. Les Juges et les Geôliers qui contreviendront aux dispositions précédentes, seront punis comme coupables de détention arbitraire, délit qui sera spécifié dans le Code Criminel.

CCC. On signifiera à l'Accusé, dans l'espace de 24 heures, les motifs de sa détention, et le nom de son Accusateur, s'il y en a.

CCCI. Avant de prendre la déclaration de l'Accusé, on lui lira, entièrement, tous les Documens et Déclarations des Témoins, ainsi que leurs noms ; et s'il ne connaissait pas ces Témoins, on lui donnera sur leur compte tous les renseignemens qu'il pourra désirer.

CCCII. Les procédures, à dater de ce moment, seront publiques, de la manière et dans la forme qui seront déterminées par les Lois.

CCCIII. On n'emploiera jamais ni la violence ni la torture.

CCCIV. La confiscation des biens n'aura jamais lieu.

CCCV. Aucune peine infligée pour quelque délit que ce soit, ne pourra, sous aucun rapport, s'étendre à la famille du condamné, et celui-là seul qui la mérite en éprouvera les effets.

CCCVI. On ne pourra violer le domicile d'aucun Espagnol, si ce n'est dans les cas déterminés par la Loi, et seulement pour le bon ordre et la sûreté de l'Etat.

CCCVII. Si les Cortès pensent qu'il y ait lieu par la suite d'établir une distinction entre les Juges de fait et ceux de droit, ils la régleront ainsi qu'ils le jugeront nécessaire.

CCCVIII. Si dans des circonstances extraordinaires la sûreté de l'Etat exigeait de suspendre, dans toute la Monarchie, ou seulement dans une partie, quelques-unes des formes prescrites dans ce Chapitre

sur l'arrestation des Délinquans, les Cortès pourront décréter cette suspension pour un temps déterminé.

TITRE VI.—*Du Gouvernement intérieur des Provinces et des Communes.*

CHAPITRE I.—*Des Assemblées Communes.*

CCCIX. Il y aura pour le Gouvernement intérieur des Communes, des Assemblées composées de l'Alcade ou des Alcades, des Régidors, et le Procureur-syndic, présidés par le Chef Politique, lorsqu'il s'en trouvera, et, à son défaut, par l'Alcade, ou, s'il s'en trouve 2, par celui dont la nomination sera la plus ancienne.

CCCX. On établira des Assemblées dans les Communes où il n'en existe pas, mais où il est convenable qu'il en soit formé, ce qui s'exécutera nécessairement dans celles qui par elles mêmes ou par les habitations qui en dépendent, ont une Population de 1,000 âmes : on déterminera l'arrondissement de chacune d'elles.

CCCXI. Les Lois fixeront le nombre d'individus de chaque classe dont les Assemblées Communales doivent se composer, en proportion de la Population.

CCCXII. Les Alcades, les Régidors, et les Procureurs-syndics, seront nommés par élection dans chaque Commune. Les fonctions des Régidors, et des autres Fonctionnaires qui s'exerçaient à perpétuité dans les Assemblées Communales, sous quel titre et dénomination que ce puisse être, sont abolies.

CCCXIII. Les Citoyens de chaque Commune s'assembleront tous les ans, au mois de Décembre, afin de faire les élections, à la pluralité des voix, et en proportionnant le nombre des Electeurs à la Population ; les Electeurs doivent avoir leur résidence sur les lieux et avoir l'exercice des droits de Citoyen.

CCCXIV. Les Electeurs nommeront dans le même mois, et à la pluralité absolue des voix, l'Alcade ou les Alcades, les Régidors, le Procureur ou les Procureurs-syndics, qui commenceront à exercer leurs fonctions, le 1^{er} Janvier de l'année suivante.

CCCXV. Les Alcades seront changés tous les ans, les Régidors le seront par moitié chaque année ; il en sera de même pour les Procureurs-syndics lorsqu'il y en aura 2 ; mais le changement aura lieu chaque année s'il n'y en a qu'un seul.

CCCXVI. Celui qui aura exercé quelqu'une de ces fonctions ne pourra être réélu à aucune d'elles, qu'après un intervalle au moins de 2 années, lorsque la Population le permettra.

CCCXVII. Pour être Alcade, Régidor, ou Procureur-syndic, il faut, outre la jouissance des droits de Citoyen, être majeur de 25 ans, et avoir une résidence de 5 années au moins dans la Commune. Les

autres qualités exigibles pour l'exercice de ces fonctions, seront déterminées par les Lois.

CCCXVIII. Ne pourra être Alcade, Régidor, ni Procureur-syndic, aucune Personne occupant et exerçant un Emploi public, à la nomination du Roi; les Citoyens qui servent dans les Milices Nationales ne sont compris dans cet Article.

CCCXIX. Tous les Emplois Municipaux, qui viennent d'être mentionnés, ont des charges Communales, dont Personne ne pourra s'exempter sans cause légale.

CCCXX. Il y aura dans chaque Assemblée Communale un Secrétaire, élu à la pluralité absolue des voix, et salarié aux frais de la Commune.

CCCXXI. Les Assemblées Communales ont les attributions suivantes :

1. La police de la salubrité, et des objets d'intérêt public ;
2. De prêter secours à l'Alcade en tout ce qui concerne la sûreté des personnes et des propriétés, et la conservation de l'ordre public ;
3. L'administration et l'emploi des Revenus fixes ou extraordinaires, conformément aux Lois et Réglemens ; à charge de nommer des dépositaires, sous la responsabilité de ceux qui les nomment ;
4. De faire la répartition et le recouvrement des contributions, et de les remettre à la Trésorerie assignée pour cet objet ;
5. De surveiller les écoles primaires, et autres établissemens d'éducation, entretenus au dépens de la Commune ;
6. De surveiller les hôpitaux, les hospices, les maisons des enfans trouvés, et les autres établissemens de bienfaisance, en se conformant aux réglemens qui seront faits ;
7. De soigner la construction et la réparation des chemins, des chaussées, des ponts et des prisons, des bois et des plantations appartenant aux Communes, et de tous les travaux publics de nécessité, d'utilité et d'ornement ;
8. De rendre des Ordonnances Municipales de la Commune, en les présentant à l'approbation des Cortès, par la voie de la Députation Provinciale, qui donnera son avis ;
9. D'encourager l'agriculture, l'industrie, et le commerce, d'après les localités et les circonstances où se trouvent les habitans, et d'après leur utilité et leurs avantages.

CCCXXII. Dans le cas où l'on aurait à faire des travaux, ou autres objets d'utilité publique, et qu'à défaut de revenus fixes, il fallût avoir recours à des contributions extraordinaires, on ne pourra en lever, qu'après en avoir obtenu l'autorisation des Cortès par l'entremise de la Députation Provinciale. Mais dans le cas où le travail, ou l'objet auquel on destine ces contributions, serait urgent, les Assemblées Communales ont la faculté de lever provisoirement ces contributions, toute-

fois avec l'assentiment de la Députation, qui en fera part aux Cortès. Ces fonds seront administrés comme les Revenus ordinaires.

CCCXXIII. Les Assemblées Communales surveilleront la destination de ces Fonds Publics, sous l'inspection de la Députation Provinciale, à laquelle elles rendront compte chaque année de leur recouvrement et de leur emploi.

CHAPITRE II.—*Du Gouvernement Politique des Provinces et des Députations Provinciales.*

CCCXXIV. Le Gouvernement Politique des Provinces résidera dans le Chef Supérieur, que le Roi nommera dans chacune d'elles.

CCCXXV. Il y aura dans chaque Province une Députation, nommée Députation Provinciale, présidée par le Chef Supérieur, et chargée de travailler à la prospérité publique.

CCCXXVI. Elle se composera du Président, de l'Intendant, et de 7 Membres, élus d'après la forme qui sera indiquée; les Cortès pourront, cependant, si elles le jugent convenable, apporter par la suite un changement dans ce nombre, surtout s'il est exigé par la nouvelle division des Provinces dont il est question dans l'Article XI.

CCCXXVII. La Députation Provinciale se renouvellera tous les 2 ans, par moitié; à cet effet le nombre le plus considérable sortira la première année, le moins fort la seconde, et ainsi successivement.

CCCXXVIII. L'élection de ces Députés se fera par les Electeurs de District, le jour qui suivra celui auquel auront été nommés les Députés des Cortès, en se conformant aux règles prescrites dans l'Election de ces derniers.

CCCXXIX. On élira dans le même temps et dans la même forme 3 Suppléans pour chaque Députation.

CCCXXX. Pour être Membre de la Députation Provinciale, il faut être Citoyen jouissant de l'exercice de ses droits, majeur de 25 ans, naturel ou habitant dans la Province depuis 7 ans au moins, et ayant un revenu suffisant pour exister avec décence. En sont exclues toutes les Personnes qui occupent des emplois à la nomination du Roi, conformément à l'Article CCCXVIII.

CCCXXXI. Personne ne pourra être élu pour la seconde fois, que la quatrième année au moins après qu'il sera sorti de ses fonctions.

CCCXXXII. Lorsque le Chef Supérieur de la Province ne pourra présider la Députation, il sera remplacé par l'Intendant, et, à son défaut, par celui des Membres qui aura été le premier élu.

CCCXXXIII. La Députation nommera un Secrétaire, avec un traitement pris sur les fonds publics de la Province.

CCCXXXIV. La Députation siégera chaque année au moins pendant 90 jours, assignés aux époques qui lui paraîtront les plus convenables. Les Députations se réuniront dans la Péninsule le 1er Mars, et dans les Possessions d'Outre-mer, le 1er Juin.

CCCXXXV. Ces Députations ont les attributions suivantes :

1. De régler et d'approuver la répartition des contributions mises sur la Province ;

2. De veiller sur le bon emploi des Fonds Publics des Communes, d'examiner les comptes, d'y donner leur approbation, avant qu'ils soient présentés à celle de l'autorité supérieure, et de faire observer en tout les Lois et les Réglemens ;

3. De veiller à ce qu'il se forme des Assemblées Communales partout où il doit y en avoir, conformément aux dispositions de l'Article CCCX.

4. De proposer au Gouvernement, dans le cas où il s'agirait de nouveaux travaux d'une utilité générale pour la Province, ou de la réparation des anciens, les moyens d'exécution qu'elles jugent les plus convenables, et d'en solliciter la confection auprès des Cortès.

Si l'urgence des travaux publics, dans les Pays d'Outre-mer ne permettait pas d'attendre la décision des Cortès, la Députation pourra, avec le consentement exprès du Chef de la Province, employer immédiatement les fonds extraordinaires qu'elle jugera convenables, et en rendra compte, sans retard, au Gouvernement, à l'effet de recevoir l'approbation des Cortès.

La Députation nommera, sous sa responsabilité, un Caissier pour le recouvrement des Fonds Publiques. Les comptes de l'emploi de ces fonds, et l'examen qui sera fait par la Députation, seront remis au Gouvernement, pour qu'il les fasse reconnaître et vérifier, et qu'il les envoie ensuite aux Cortès pour recevoir leur approbation.

5. D'encourager l'éducation de la jeunesse, selon les plans arrêtés ; d'encourager l'agriculture, l'industrie, et le commerce, en protégeant les inventeurs des nouvelles découvertes dans aucune de ces branches.

6. De faire part au Gouvernement des abus qu'elle observera dans l'administration des deniers publics.

7. De former le cens et la statistique de la Province.

8. De veiller à ce que les Etablissemens de philanthropie et de bienfaisance soient administrés conformément à leur destination ; de proposer au Gouvernement les réglemens susceptibles de faire cesser les abus que peuvent s'y introduire.

9. De faire connaître aux Cortès les infractions à la Constitution qui pourraient avoir lieu dans la Province.

10. Les Députations des Provinces d'Outre-mer veilleront sur l'administration, l'ordre, et les progrès, des Missions pour la conversion des Indiens Infidèles. Les Chefs de ces Etablissemens leur rendront compte de leurs opérations, afin que les abus soient réformés : les Députations en rendront compte à leur tour au Gouvernement.

CCCXXXVI. Si une Députation vient à abuser de ses pouvoirs, le Roi pourra suspendre de leurs fonctions les Membres qui la composent,

en faisant part aux Cortès de la mesure qu'il aurait prise, et des motifs sur lesquels elle est fondée. Les Membres suspendus seront de suite remplacés par les Suppléans, qui rempliront leurs fonctions.

CCCXXXVII. Tous les Membres des Assemblées Communales, et ceux des Députations de Province, prêteront, en entrant dans l'exercice de leurs fonctions, les premiers entre les mains du Chef Politique, lorsqu'il y en aura un, ou à son défaut à l'Alcade le plus ancien de nomination, les derniers entre les mains du Chef Supérieur de la Province, le serment d'observer la Constitution Politique de la Monarchie Espagnole, et les Lois, d'être fidèles au Roi, et de s'acquitter religieusement des devoirs de leur charge.

TITRE VII.—*Des Contributions.*

CHAPITRE UNIQUE.

CCCXXXVIII. Les Cortès établiront ou confirmeront annuellement les Contributions, soit directes ou indirectes, générales, provinciales, ou municipales ; les anciennes subsisteront jusqu'à ce que leur abolition soit décrétée, ou qu'on en établisse d'autres.

CCCXXXIX. Les Contributions seront réparties également entre tous les Espagnols, en raison des facultés de chacun, sans aucun privilège ni exception.

CCCXL. Les Contributions seront proportionnées aux Dépenses décrétées par les Cortès, pour les diverses branches du Service Public.

CCCXLI. Afin que les Cortès pussent fixer ces Dépenses et les Contributions destinées à y faire face, le Ministre des Finances présentera aux Cortès, aussitôt qu'ils seront assemblés, l'Aperçu Général des sommes présumées nécessaires pour le Service Public, d'après les Tableaux qui lui seront présentés par les Ministres des autres Départemens, des sommes présumées nécessaires pour le service particulier de chacun de ces Départemens.

CCCXLII. Le même Ministre du Département des Finances, en même temps qu'il présentera l'Aperçu des Dépenses Publiques, présentera aussi le plan des Contributions à imposer, pour faire face à ces Dépenses.

CCCXLIII. Dans le cas où le Roi jugerait quelque'un des impôts onéreux ou préjudiciable, il le fera connaître aux Cortès par l'intermédiaire du Ministre des Finances, en indiquant quel autre impôt il estimerait convenable d'y substituer.

CCCXLIV. La somme des Contributions directes une fois fixée, les Cortès approuveront la répartition de cette somme entre les diverses Provinces, dont chacune en supportera une quote proportionnée à ses moyens : à cet effet, le Ministre des Finances présentera de même les Aperçus nécessaires.

CCCXLV. Il y aura pour toute la Nation une Trésorerie Générale, qui disposera de toutes les sommes destinées au service de l'Etat.

CCCXLVI. Il y aura dans chaque Province une Trésorerie,

où entreront toutes les sommes levées pour le Trésor Public : ces Trésoreries seront en correspondance avec la Trésorerie Générale, et tiendront tous leurs fonds à sa disposition.

CCCXLVII. Nul paiement ne sera passé en compte au Trésorier Général, s'il n'est fait en vertu d'un Décret du Roi, contresigné par le Ministre des Finances, et dans lequel sera énoncée la dépense à laquelle il aura été destiné, et invoqué le Décret des Cortès en vertu duquel cette dépense aura eu lieu.

CCCXLVIII. Afin que la Trésorerie Générale présente ses Comptes avec l'exactitude convenable, la recette et la dépense devront être vérifiées respectivement par les Commissions chargées des Comptes des Revenus Publics.

CCCXLIX. Afin que ces Etablissements atteignent le but de leur institution, ils seront réglés par une instruction particulière.

CCCL. Il y aura pour l'examen de tous les Comptes des Revenus Publics une Commission Supérieure des Comptes, qui sera organisée par une Loi spéciale.

CCCLI. Le Compte que la Trésorerie Générale rendra annuellement de toutes les Contributions et de tous les Revenus Publics, ainsi que de leur emploi, aussitôt qu'il aura été définitivement approuvé par les Cortès, sera imprimé, publié, et envoyé aux Députations de Province et aux Assemblées Communales.

CCCLII. Les Comptes que rendra chacun des Ministres des divers Départemens du Ministère, sera de même imprimé, publié, et envoyé dans les Provinces.

CCCLIII. Le maniement des Finances Publics restera toujours indépendant de toute autorité, autre que celle à laquelle il est spécialement confié.

CCCLIV. Il n'y aura point de Douanes, si ce n'est dans les Ports de Mer et sur les Frontières ; du reste, cette disposition ne sera point mise à exécution, jusqu'à la détermination ultérieure des Cortès.

CCCLV. La Dette Publique reconnue sera un des premiers objets de l'attention des Cortès : ils apporteront le plus grand zèle à en assurer l'extinction graduelle, et le paiement comptant des intérêts, en tant que cela les concerne, c'est-à-dire en réglant tout ce qui a rapport à cette branche importante de l'Administration Publique, soit quant aux fonds extraordinaires, lesquels seront parfaitement indépendans de la Trésorerie Générale, soit quant aux Commissions des Comptes et de vérification.

TITRE VIII.—*De la Force Armée Nationale.*

CHAPITRE I.—*Des Troupes en Service Permanent.*

CCCLVI. Il y aura une Force Militaire Nationale Permanente de mer et de terre, pour la défense extérieure de l'Etat, et pour le maintien de l'ordre intérieur.

CCCLVII. Les Cortès fixeront annuellement le nombre des Troupes qui seront nécessaires suivant les circonstances, et le mode le plus convenable de les lever.

CCCLVIII. Les Cortès fixeront de même, chaque année, le nombre des Batimens de la Marine Militaire, qu'il sera convenable d'armer ou de maintenir armés.

CCCLIX. Les Cortès feront toutes les Ordonnances nécessaires pour régler ce qui concerne la discipline, l'ordre d'avancement, la solde, l'administration, en un mot, la bonne constitution de l'Armée et de la Marine.

CCCLX. Il sera formé des écoles militaires pour l'instruction de tous les Corps des Armées de terre et de mer.

CCCLXI. Nul Espagnol ne pourra se dispenser du Service Militaire, quand il y sera appelé suivant la forme prescrite par la Loi.

CHAPITRE II.—*Des Milices Nationales.*

CCCLXII. Il y aura dans chaque Province des Corps de Milices Nationales, composés des habitans de la Province, en proportion de sa Population et selon les circonstances.

CCCLXIII. Le mode de formation de ces Milices, leur nombre, et leur organisation particulière, seront réglés par une Ordonnance spéciale.

CCCLXIV. Le service que feront ces Milices ne sera point continu ; il n'aura lieu qu'autant que les circonstances l'exigeront.

CCCLXV. Dans le cas où cela serait nécessaire, le Roi pourra disposer de ces Milices dans les limites de leurs Provinces respectives mais il ne pourra les employer hors de leurs Provinces sans l'autorisation des Cortès.

TITRE IX.—*De l'Instruction Publique.*

CHAPITRE UNIQUE.

CCCLXVI. Dans tous les Villes, Bourgs, ou Villages de la Monarchie, il sera établi des Ecoles Primaires, dans lesquelles on enseignera aux enfans la lecture, l'écriture, l'arithmétique, et le catéchisme de la Religion Catholique, auquel on ajoutera une courte exposition des devoirs civils.

CCCLXVII. On créera et organisera aussi le nombre d'Universités et d'autres Etablissemens d'Instruction, qui sera jugé convenable pour l'enseignement de toutes les sciences, de la littérature, et des beaux-arts.

CCCLXVIII. Le mode général de l'enseignement sera uniforme dans tout le Royaume ; on expliquera la Constitution Politique de la Monarchie dans toutes les Universités, et dans tous les Etablissemens Littéraires, où l'on enseignera les sciences ecclésiastiques et politiques.

CCCLXIX. Il y aura un Directoire Général des études composé de Personnes connues par leur savoir, et auxquelles sera confiée, sous l'autorité du Gouvernement, la surveillance de l'enseignement public.

CCCLXX. Les Cortès régleront, par des plans et par des statuts spéciaux, tout ce qui concerne l'important objet de l'Instruction Publique.

CCCLXXI. Tous les Espagnols ont la liberté d'écrire, imprimer, et publier, leurs idées politiques, sans avoir besoin pour cela de licence, révision, ou approbation, quelconque, antérieurement à la publication, sauf les restrictions et la responsabilité établies par les Lois.

TITRE X.—De l'observation de la Constitution, et de la manière de procéder pour y faire des modifications.

CHAPITRE UNIQUE.

CCCLXXII. LES Cortès, dans leurs premières Sessions, prendront en considération les infractions à la Constitution, qu'elles auront pu observer, afin d'y apporter le remède convenable, et de rendre effective la responsabilité des Contrevenans.

CCCLXXIII. Tout Espagnol a droit de remontrance auprès des Cortès et auprès du Roi, pour réclamer l'observation de la Constitution.

CCCLXXIV. Tout individu chargé d'un emploi public, civil, militaire, ou ecclésiastique, en prenant possession de cet emploi, prêtera le serment de maintenir la Constitution, d'être fidèle au Roi, et de s'acquitter des devoirs de son emploi.

CCCLXXV. Avant 8 années révolues, à dater de la mise en activité de la Constitution dans toutes ses parties, on ne pourra proposer aucun changement, aucune addition, aucune réforme, à aucun des Articles de ladite Constitution.

CCCLXXVI. Pour faire quelque changement, addition, ou réforme, à la Constitution, il faudra que la Députation à laquelle il appartiendra de décréter définitivement ce changement ou cette réforme, reçoive des pouvoirs spéciaux pour cet objet.

CCCLXXVII. Toute proposition de réforme à faire à quelqu'un des Articles de la Constitution, devra être faite par écrit, et être approuvée et signée de 20 Députés au moins.

CCCLXXVIII. La proposition de réforme sera lue 3 fois avec l'intervalle de 6 jours d'une lecture à l'autre ; et après la 3^{ème} lecture on délibérera sur la question de savoir si cette proposition sera admise ou non à la discussion.

CCCLXXIX. Si elle est admise à la discussion, on y procédera suivant les mêmes formalités, et par les voies prescrites pour la formation des Lois ; après quoi on mettra aux voix si elle sera de nouveau

discutée dans la Députation générale prochaine : et pour que l'affirmative soit adoptée, elle devra la déterminer par les 2 tiers des voix.

CCCLXXX. La Députation Générale suivante, après avoir observé de tous points les mêmes formalités, pourra, dans l'une ou l'autre des 2 années de sa Session, déclarer, aux 2 tiers des voix, qu'il y a lieu à demander des pouvoirs spéciaux pour faire la réforme projetée.

CCCLXXXI. Cette déclaration faite, elle sera communiquée à toutes les Provinces ; et, suivant le temps où elle aura été faite, les Cortès détermineront si c'est à la Députation immédiatement subséquente, ou à la suivante, que seront accordés les pouvoirs spéciaux.

CCCLXXXII. Ces pouvoirs seront accordés par les Juntas Electorales des Provinces, en ajoutant aux pouvoirs ordinaires la Clause suivante :

“ Ils leur donnent également le pouvoir spécial de faire à la Constitution la réforme mentionnée dans le Décret des Cortès, dont la teneur suit :

[*Ici le texte littéral du Décret*] :

Le tout conformément à ce qui est réglé par la même Constitution ; et ils s'obligent à reconnaître et à tenir pour constitutionnel ce qu'ils établiront en conséquence.”

CCCLXXXIII. La réforme proposée sera de nouveau discutée ; et si elle est approuvée par les 2 tiers des Députés, elle deviendra constitutionnelle, et sera publiée comme telle par les Cortès.

CCCLXXXIV. Une Députation présentera au Roi le Décret de réforme, afin qu'il le fasse publier et adresser à toutes les Autorités, et dans tous les Lieux de la Monarchie.

A Cadix, le 18 Mars, de l'An 1812.

VICENTE PASQUAL, *Président.*

[Suivent les Signatures de 183 autres Députés.]

Nous ordonnons à tous les Espagnols, nos Sujets, de quelque classe et condition qu'ils soient, qu'ils reçoivent et qu'ils observent la Constitution présente, comme Loi Fondamentale de la Monarchie. Nous donnons le même ordre à tous les Tribunaux, Juges, Chefs, Gouverneurs, et autres Autorités Civiles et Militaires, et Ecclésiastiques de toute classe et dignité, qu'ils observent et fassent observer, maintenir, et exécuter, cette Constitution dans toutes ses parties. Vous l'aurez pour entendu, et vous prendrez les dispositions nécessaires pour son exécution, la faisant imprimer, publier, et circuler.

A Cadix, le 19 Mars, 1812.

JOAQUIN DE MOSQUERA Y FIGUEROA, *Président.*

IGNACIO RODRIGUEZ DE RIVAS.

EL CONDE DEL ABISBAL.

JUAN VILLAVICENCIO.

A. D. Ignacio de la Pezuela.

MANIFESTO of the King of Spain to the Nation.
Madrid, 10th March, 1820.

SPANIARDS,

(Translation.)

WHEN by your heroic exertions an end was put to the captivity in which I had been detained by the most unheard of perfidy, I had scarcely set my foot on my native soil when all that I saw and learnt tended to convince me, that the Nation wished to see its ancient form of Government restored; and this conviction determined me to comply with that which appeared to be the almost general wish of a magnanimous People, who, after having triumphantly contended against a Foreign Enemy, dreaded the still more horrible contention of internal discord.

I did not fail to perceive, however, that the rapid progress of European civilization, the general diffusion of knowledge, even among the less elevated classes, the more frequent intercourse between the different Countries of the Globe, and the wonderful events which had been reserved for the present generation, had inspired ideas and wishes unknown to our Ancestors, and had created new and imperious wants; nor was it less obvious to me, that it was indispensable to mould our Political Institutions conformably to those elements, in order to establish between the People and the Laws that harmony upon which depend the stability and repose of society.

But whilst I was maturely deliberating, with the solicitude peculiar to my paternal heart, upon the changes to be introduced into our fundamental system of Government, as most suitable to the national character, and to the present state of the different parts of the Spanish Monarchy, and, at the same time, the best adapted to the organisation of an enlightened People; you expressed to me your anxious desire for the reestablishment of that Constitution which, amidst the clash of hostile arms, was promulgated at Cadiz in the Year 1812, at a period when, to the admiration of the World, you were fighting for the liberty of your Country. I have attended to your wishes, and, as a tender Father, have consented to that which my Children think conducive to their happiness. I have sworn to that Constitution for which you were sighing, and I will ever be its firmest supporter. I have already taken the necessary measures for the early convocation of the Cortes.—United with your Representatives, I shall then rejoice in assisting in the great work of the national prosperity.

Spaniards: your glory is the only ambition of my heart. My soul desires only to see you united round the Throne in peace and harmony. Trust, then, to your King, who addresses you with the sincere feelings inspired by the circumstances in which you are placed at this moment, and with a deep sense of the exalted duties imposed upon him by Providence. Your happiness from this day forward will depend in a great measure upon yourselves. Beware of being misled by delusive appear-

ances of immense benefits, which frequently prevent the attainment of substantial ones. Avoid the effervescence of the passions, which too often transform into Enemies those who ought to live as Brothers, united by affection, as they are by religion, language, and habits. Repel the perfidious insinuations, artfully disguised, of those who envy your condition. Let us follow openly, myself the first, the path of the Constitution, and, holding out to Europe an example of wisdom, order, and perfect moderation, at a crisis which, in other Nations, has been attended with tears and misfortunes, let us draw down admiration and reverence upon the Spanish name, at the same time that we establish for ages our own happiness and glory.

Palace of Madrid, 10th March, 1820.

FERDINAND.

ADDRESS of the King of Spain to the Inhabitants of the Spanish American Colonies.—Madrid, March, 1820.

SPANISH AMERICANS!

(Translation.)

WHEN, in 1814, I announced to you my arrival in the Capital of the Spanish Empire, a fatality ordained the re-establishment of Institutions, which habit and their antiquity had caused to be looked upon as superior to others, which, being more ancient, were almost forgotten, and were deemed pernicious from their having been renewed under a different form. The sad experience of 6 Years, during which evils and misfortunes have been gradually accumulating, under the very system which, it was thought, would have been productive of prosperity;—the general cry of the Spaniards in both Hemispheres, and their energetic conduct;—have convinced me of the necessity of receding from the path which I had incautiously taken; and, being aware of the general desire of the People, impelled by that instinct which distinguishes it, to raise itself upon the theatre of the world, to the high station which it ought to occupy among other Nations; I concur in its sentiments, and have identified myself sincerely and cordially with its most anxious wishes, by adopting, recognizing, and swearing to, as I have spontaneously done, the Constitution framed at Cadiz by the General and Extraordinary Cortes, and promulgated in that City on the 19th of March, 1812. Nothing can interrupt my satisfaction at so joyful an event, but the recollection of my having delayed it: the universal joy which it creates, will, however, diminish that unpleasant impression, and the heroic generosity of the People, who know that errors are not crimes, will induce them soon to forget the causes of all past evils. The Spains present at this moment to Europe a sight worthy of admiration, the effect of the constitutional system alone, which distinguishes the mutual duties of the Nation and the Throne. The State, which was tottering, has been consolidated upon the firm bases of liberty and public credit. The new Institutions will soon acquire the utmost stability, and produce

favourable and permanent results. Vacillating measures will no longer exist, to shake public opinion, and to stimulate the desire for further innovations; and political knowledge, combined with the forces by land and sea, which the Nation will possess, together with the art of knowing how to put them in motion, according to circumstances, will inspire all with that respect and confidence which had disappeared. A new light illumines the extensive circle of the Spanish Hemisphere; and every Spaniard, viewing its refulgent brightness, feels in his bosom the sacred flame of love for his Country. I congratulate myself upon being the first to experience this sweet and generous emotion. I congratulate myself, also, in announcing it to you, and in inviting you to partake of so great a blessing, by accepting and swearing to that Constitution, which was framed by you, and for your felicity. It was, I assure you, no sacrifice for me to do so, as soon as I was satisfied that that Fundamental Law would tend to your happiness; and, were it to have cost me the greatest sacrifice, I would have acted the same part, convinced, as I am, that the honour of Majesty can never be tarnished by doing that which is for the public good.

Americans! you who have strayed from the right path, have now gained that which you have been so long seeking, at the expense of immense toils, of endless sufferings, of sanguinary wars, of horrible desolation, and of the most frightful extermination. Your lamented separation has been productive of nothing to you but tears and grief, disappointment, and bitterness, turbulence, rancour, deadly feuds, famine, incendiarism, devastation, and unheard of horrors;—the recital alone of your miseries will be sufficient to terrify future generations. What then do you desire? Hear the tender voice of your King and Father:—let the restless and jealous fears which agitate you, cease, and let rancour end with the circumstances in which it originated, and give place to tender and generous sentiments. Let not vengeance be regarded as a virtue, nor hatred as a duty. The 2 Hemispheres, formed to esteem each other, need only come to a proper understanding to be for ever inseparable friends, affording mutual aid, instead of seeking opportunities for injuring each other. Nor is it possible that those should be enemies who are in truth brothers; who speak the same language, who profess the same religion, who are ruled by the same Laws, who observe the same customs, and who are, above all, adorned with the same virtues,—virtues which are the offspring of valour, of generosity, and of the elevated sublimity of great souls. Let those relations with the Mother Country be renewed, which, after the toils and sacrifices of 3 Centuries, were established by our Ancestors, the favoured sons of victory: and let others be created which the enlightened state of the Age, and the nature of a Representative Government require. Let arms be laid aside; and let the barbarous War be terminated which has been the cause of events so disastrous, as to be

recorded on the page of history in letters of blood. With weapons in their hands, the quarrels of members of the same family should not be contested or adjusted: let us, therefore, lay them aside, in order to avoid desperation, and the risk of oppression and hatred. The whole Nation entertains this wish, and will give me the means of overcoming, without the use of force, the obstacles which have stood in the way of our happiness, during the period of domestic calamity. We have adopted a system more general in its principles, and in unison with the one which you have yourselves laid down: let the distinguishing feature of our character be to observe reciprocally a frank and loyal conduct, rejecting the maxims and suggestions of that erring and crooked policy, which the false combinations of fortune may perhaps have once smiled upon with ephemeral favour. The Parent State sets you the example; follow it, Americans, for upon this depends your present and future happiness. Give to the Mother Country a day of joy, at a period so productive of calamitous events; and let the love of order, and the general good, unite our wishes and render uniform our opinions.

The Cortes, whose name alone is to all Spaniards a sweet memorial of portentous events, are about to assemble. Your Brethren of the Peninsula are anxiously waiting, with open arms, the arrival of those who may come deputed by you to confer with them, as their equals, upon the measures required by the misfortunes of their Country, and of your own in particular. The security of their persons has for its guarantee the National honour, and that long wished for Code to which, in the face of the World, I have sworn, and which I will religiously observe. The Fathers of their Country, the wise and chosen favourites of the People, will, united, save the State, and fix for ever the destinies of both Hemispheres; and, as a reward of their wisdom, their Cotemporaries will prepare the immortal Crown to be bestowed upon them by the gratitude of posterity. What happiness, what blessings will this desired union produce! Commerce, Agriculture, Industry, and the Arts and Sciences, will fix their most brilliant seats in this fortunate Country, which is considered, and not without reason, the greatest prodigy of Nature; and, under the auspices of continued peace, the precious fruit of concord, which prudence unceasingly requires, and sound policy recommends, and of a Constitutional Government, common to all, which can now no longer be arbitrary or unjust, you will raise yourselves to the highest pinnacle of prosperity hitherto known to mankind. But, if you will not listen to the prudent counsels which come from the innermost recesses of my heart, and if you do not catch and grasp the faithful and friendly hand held out to you by your affectionate Country,—that Country which gave birth to so many of your fathers, who, were they alive, would authoritatively enjoin you to it,—dread all the evils which are produced by the fury of civil War;—the confusion and uncertainty which attend upon all Governments that are

deprived of their wonted solidity and legitimacy;—the fatal consequences of allowing yourselves to be seduced by ambitious men, who encourage anarchy, in order to wrest away, and fix in their own hands, the sceptre of command;—the robberies caused by the insolent cupidity of unknown Adventurers;—the dangers of Foreign influence, which craftily awaits the opportunity to light up the torch of discord, with a view to divide opinion, and foment dissensions, in order to gain the ascendancy, and to rule for the purpose of satiating itself with spoils;—and finally, dread all the horrors and convulsions which are experienced in the violent crises of States, when, amidst the effervescence of the passions, political principles are unfolded without wisdom, and fanaticism prevails. You will then feel the terrible effects of the indignation of a People whose Government has been insulted; a Government already strong and powerful, because it is supported by the People, who move and act according to its principles. Oh! may the fatal hour of such inconsiderate obstinacy never arrive! Never!—that I may not experience the cruel sorrow of ceasing, even for a short time, to call myself your tender Father.

FERDINAND.

MESSAGE of the President, on the Opening of the Congress of The United States.—7th December, 1819.

FELLOW CITIZENS OF THE SENATE, AND OF THE HOUSE OF REPRESENTATIVES,

THE public buildings being advanced to a stage to afford accommodation for Congress, I offer you my sincere congratulations on the commencement of your duties in the Capitol.

In bringing to view the incidents most deserving attention, which have occurred since your last Session, I regret to have to state, that several of our principal Cities have suffered by sickness; that an unusual drought has prevailed in the middle and western States; and that a derangement has been felt in some of our monied Institutions, which has proportionably affected their credit. I am happy, however, to have it in my power to assure you that the health of our Cities is now completely restored; that the produce of the year, though less abundant than usual, will not only be amply sufficient for home consumption, but afford a large surplus for the supply of the wants of other Nations; and that the derangement in the circulating paper medium, by being left to those remedies which its obvious causes suggested, and the good sense and virtue of our Fellow-citizens supplied, has diminished.

Having informed Congress, on the 27th of February last, that a Treaty of Amity, Settlement, and Limits, had been concluded, in this City, between The United States and Spain,* and ratified by the

* See Vol. 1820, 1821. Page 524.

competent Authorities of the former, full confidence was entertained that it would have been ratified by His Catholic Majesty with equal promptitude, and a like earnest desire to terminate, on the conditions of that Treaty, the differences which had so long existed between the 2 Countries. Every view which the subject admitted of, was thought to have justified this conclusion. Great losses had been sustained by Citizens of The United States from Spanish Cruizers, more than 20 years before, which had not been redressed. These losses had been acknowledged and provided for by a Treaty, as far back as the year 1802, which, although concluded at Madrid, was not then ratified by the Government of Spain, nor since, until the last year, when it was suspended by the late Treaty, a more satisfactory provision to both Parties, as was presumed, having been made for them. Other differences had arisen, in this long interval, affecting their highest interests, which were likewise provided for by this last Treaty. The Treaty itself was formed on great consideration, and a thorough knowledge of all circumstances, the subject matter of every Article having been for years under discussion, and repeated references having been made by the Minister of Spain to his Government, on the points respecting which the greatest difference of opinion prevailed. It was formed by a Minister duly authorized for the purpose, who had represented his Government in The United States, and been employed in this long protracted Negotiation several years, and who, it is not denied, kept strictly within the letter of his Instructions. The faith of Spain was therefore pledged, under circumstances of peculiar force and solemnity, for its Ratification. On the part of The United States, this Treaty was evidently acceded to in a spirit of conciliation and concession. The indemnity for injuries and losses, so long before sustained, and now again acknowledged and provided for, was to be paid by them, without becoming a charge on the Treasury of Spain. For Territory ceded by Spain, other Territory of great value, to which our claim was believed to be well founded, was ceded by The United States, and in a quarter more interesting to her. This cession was, nevertheless, received as the means of indemnifying our Citizens, in a considerable sum, the presumed amount of their losses. Other considerations, of great weight, urged the cession of this Territory by Spain. It was surrounded by the Territories of The United States, on every side, except on that of the Ocean. Spain had lost her authority over it, and falling into the hands of Adventurers connected with the Savages, it was made the means of unceasing annoyance and injury to our Union, in many of its most essential interests. By this cession, then, Spain ceded a Territory, in reality of no value to her, and obtained concessions of the highest importance, by the settlement of long standing differences with The United States, affecting their respective claims and limits, and likewise relieved herself from the obligation of a Treaty,

relating to it, which she had failed to fulfil, and also from the responsibility incident to the most flagrant and pernicious abuses of her rights, where she could not support her authority.

It being known that the Treaty was formed under these circumstances, not a doubt was entertained that His Catholic Majesty would have ratified it without delay. I regret to have to state, that this reasonable expectation has been disappointed; that the Treaty was not ratified within the time stipulated, and has not since been ratified. As it is important that the nature and character of this unexpected occurrence should be distinctly understood, I think it my duty to communicate to you all the facts and circumstances in my possession, relating to it.

Anxious to prevent all future disagreement with Spain, by giving the most prompt effect to the Treaty which had been thus concluded, and particularly by the establishment of a Government in Florida, which should preserve order there, the Minister of The United States, who had been recently appointed to His Catholic Majesty, and to whom the Ratification, by his Government, had been committed, to be exchanged for that of Spain, was instructed to transmit the latter to the Department of State, as soon as obtained, by a public Ship, subjected to his order for the purpose. Unexpected delay occurring, in the Ratification, by Spain, he requested to be informed of the cause. It was stated, in reply, that the great importance of the subject, and a desire to obtain explanations on certain points, which were not specified, had produced the delay, and that an Envoy would be dispatched to The United States, to obtain such explanations of this Government. The Minister of The United States offered to give full explanation on any point, on which it might be desired; which proposal was declined. Having communicated this result to the Department of State, in August last, he was instructed, notwithstanding the disappointment and surprise which it produced, to inform the Government of Spain, that, if the Treaty should be ratified and transmitted here, at any time before the meeting of Congress, it would be received, and have the same effect, as if it had been ratified in due time. This order was executed; the authorised communication was made to the Government of Spain, and by its answer, which has just been received, we are officially made acquainted, for the first time, with the causes which have prevented the Ratification of the Treaty, by His Catholic Majesty. It is alleged by the Minister of Spain, that this Government had attempted to alter one of the principal Articles of the Treaty, by a declaration, which the Minister of The United States had been ordered to present, when he should deliver the Ratification by his Government in exchange for that of Spain, and of which he gave notice, explanatory of the sense in which that Article was understood. It is further alleged that this Government had recently tolerated, or protected, an Expedi-

tion from The United States, against the Province of Texas. These two imputed acts, are stated as the reasons which have induced His Catholic Majesty to withhold his Ratification from the Treaty, to obtain explanations, respecting which, it is repeated, that an Envoy would be forthwith despatched to The United States. How far these allegations will justify the conduct of the Government of Spain, will appear, on a view of the following facts, and the evidence which supports them.

It will be seen by the Documents transmitted herewith, that the declaration mentioned relates to a Clause in the VIIIth Article, concerning certain grants of Land, recently made by His Catholic Majesty, in Florida, which it was understood, had conveyed all the Lands, which, till then, had been ungranted. It was the intention of the Parties to annul these latter Grants, and that Clause was drawn for that express purpose and for none other. The date of these Grants was unknown, but it was understood to be posterior to that inserted in the Article: indeed, it must be obvious to all, that if that provision in the Treaty had not the effect of annulling these Grants, it would be altogether nugatory. Immediately after the Treaty was concluded and ratified by this Government, an intimation was received that these Grants were of anterior date to that fixed on by the Treaty, and that they would not, of course, be affected by it. The mere possibility of such a case, so inconsistent with the intention of the Parties, and the meaning of the Article, induced this Government to demand an explanation on the subject, which was immediately granted, and which corresponds with this statement. With respect to the other act alleged, that this Government had tolerated, or protected, an Expedition against Texas, it is utterly without foundation. Every discountenance has invariably been given to every such attempt from within the limits of The United States, as is fully evinced by the acts of the Government, and the proceedings of the Courts. There being cause, however, to apprehend, in the course of the last summer, that some Adventurers entertained views of the kind suggested, the attention of the constituted Authorities in that quarter was immediately drawn to them, and it is known that the project, whatever it might be, has utterly failed.

These facts will, it is presumed, satisfy every impartial mind, that the Government of Spain had no justifiable cause for declining to ratify the Treaty. A Treaty, concluded in conformity with instructions, is obligatory, in good faith, in all its Stipulations, according to the true intent and meaning of the Parties. Each Party is bound to ratify it. If either could set it aside without the consent of the other, there would be no longer any rules applicable to such transactions between Nations. By this proceeding, the Government of Spain has rendered to The United States a new and very serious injury. It has been stated, that a Minister would be sent, to ask certain explanations of this Government. But, if such were desired, why were they

not asked, within the time limited for the Ratification? Is it contemplated to open a new Negotiation respecting any of the Articles or conditions of the Treaty? If that were done, to what consequences might it not lead? At what time and in what manner would a new Negotiation terminate? By this proceeding, Spain has formed a relation between the 2 Countries which will justify any measures on the part of The United States, which a strong sense of injury, and a proper regard for the rights and interests of the Nation, may dictate. In the course to be pursued, these objects should be constantly held in view, and have their due weight. Our national honour must be maintained and a new and a distinguished proof be afforded of that regard for justice and moderation, which has invariably governed the Councils of this free People. It must be obvious to all, that, if The United States had been desirous of making conquests, or had been even willing to aggrandize themselves in that way, they could have had no inducement to form this Treaty. They would have much cause for gratulation, at the course which had been pursued by Spain. An ample field for ambition is open before them. But such a career is not consistent with the principles of their Government, nor the interest of the Nation.

From a full view of all circumstances, it is submitted to the consideration of Congress; whether it will not be proper for The United States to carry the conditions of the Treaty into effect, in the same manner as if it had been ratified by Spain; claiming, on their part, all its advantages, and yielding to Spain those secured to her. By pursuing this course, we shall rest on the sacred ground of right, sanctioned, in the most solemn manner, by Spain herself, by a Treaty which she was bound to ratify, for refusing to do which she must incur the censure of other Nations, even those most friendly to her; while by confining ourselves within that limit, we cannot fail to obtain their well merited approbation. We must have peace on a Frontier where we have been so long disturbed, our Citizens must be indemnified for losses so long since sustained, and for which indemnity has been so long unjustly withheld from them. Accomplishing these great objects, we obtain all that is desirable.

But His Catholic Majesty has twice declared his determination to send a Minister to The United States, to ask explanations on certain points, and to give them respecting his delay to ratify the Treaty. Shall we act, by taking the ceded Territory, and proceeding to execute the other conditions of the Treaty, before this Minister arrives and is heard? This is a case which forms a strong appeal to the candour, the magnanimity, and honour of this People. Much is due to courtesy between Nations. By a short delay, we shall lose nothing; for, resting on the ground of immutable truth and justice, we cannot be diverted from our purpose. It ought to be presumed that the explanations which may be given to the Minister of Spain, will be satisfactory, and

produce the desired result. In any event, the delay for the purpose mentioned, being a further manifestation of the sincere desire to terminate in the most friendly manner all differences with Spain, cannot fail to be duly appreciated by His Catholic Majesty, as well as by other Powers. It is submitted therefore, whether it will not be proper to make the Law proposed for carrying the conditions of the Treaty into effect, should it be adopted, contingent; to suspend its operation upon the responsibility of the Executive, in such a manner as to afford an opportunity for such friendly explanations as may be desired, during the present Session of Congress.

I communicate to Congress a Copy of the Treaty, and of the Instructions to the Minister of The United States at Madrid respecting it; of his correspondence with the Minister of Spain, and of such other Documents as may be necessary to give a full view of the subject.

In the course which the Spanish Government have, on this occasion, thought proper to pursue, it is satisfactory to know that they have not been countenanced by any other European Power. On the contrary, the opinion and wishes, both of France and Great Britain, have not been withheld, either from The United States or from Spain, and have been unequivocal in favor of the Ratification. There is also reason to believe that the sentiments of the Imperial Government of Russia have been the same, and that they have also been made known to the Cabinet of Madrid.

In the Civil War existing between Spain and the Spanish Provinces in this Hemisphere, the greatest care has been taken to enforce the Laws intended to preserve an impartial neutrality. Our Ports have continued to be equally open to both Parties, and on the same conditions; and our Citizens have been equally restrained from interfering in favour of either, to the prejudice of the other. The progress of the War, however, has operated manifestly in favour of the Colonies. Buenos Ayres still maintains unshaken the independence which it declared in 1816, and has enjoyed since 1810. Like success has also lately attended Chili, and the Provinces North of the La Plata, bordering on it, and likewise Venezuela.

This contest has, from its commencement, been very interesting to other Powers, and to none more so than to The United States. A virtuous People may, and will, confine themselves within the limits of a strict neutrality; but it is not in their power to behold a conflict so vitally important to their neighbours, without the sensibility and sympathy which naturally belong to such a case. It has been the steady purpose of this Government, to prevent that feeling leading to excess, and it is very gratifying to have it in my power to state that, so strong has been the sense throughout the whole community, of what was due to the character and obligations of the Nation, that few examples of a contrary kind have occurred.

[1819—20.]

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The distance of the Colonies from the Parent Country, and the great extent of their Population and resources, gave them advantages which it was anticipated at a very early period, it would be difficult for Spain to surmount. The steadiness, consistency, and success, with which they have pursued their object, as evinced more particularly by the undisturbed sovereignty which Buenos Ayres has so long enjoyed, evidently give them a strong claim to the favorable consideration of other Nations. These sentiments on the part of The United States, have not been withheld from other Powers, with whom it is desirable to act in concert. Should it become manifest to the World that the efforts of Spain to subdue those Provinces will be fruitless, it may be presumed that the Spanish Government itself will give up the contest. In producing such a determination, it cannot be doubted that the opinion of Friendly Powers, who have taken no part in the controversy, will have their merited influence.

It is of the highest importance to our National character, and indispensable to the morality of our Citizens, that all violations of our neutrality should be prevented. No door should be left open for the evasion of our Laws; no opportunity afforded to any who may be disposed to take advantage of it, to compromit the interest or honour of the Nation. It is submitted, therefore, to the consideration of Congress, whether it may not be advisable to revise the Laws, with a view to this desirable result.

It is submitted, also, whether it may not be proper to designate, by Law, the several Ports or Places along the Coast, at which, only, Foreign Ships of War and Privateers may be admitted. The difficulty of sustaining the regulations of our Commerce, and of other important interests from abuse, without such designation, furnishes a strong motive for this measure.

At the time of the Negotiation for the renewal of the Commercial Convention between The United States and Great Britain, a hope had been entertained that an Article might have been agreed upon, mutually satisfactory to both Countries, regulating, upon principles of justice and reciprocity, the Commercial intercourse between The United States and the British possessions, as well in the West Indies, as upon the Continent of North America. The Plenipotentiaries of the 2 Governments, not having been able to come to an Agreement on this important interest, those of The United States reserved for the consideration of this Government the proposals which had been presented to them, as the ultimate offer on the part of the British Government, and which they were not authorized to accept. On their transmission here, they were examined with due deliberation, the result of which was a new effort to meet the views of the British Government. The Minister of The United States was instructed to make a further proposal, which has not been accepted. It was, however, declined in

an amicable manner. I recommend to the consideration of Congress, whether further prohibitory provisions in the Laws relating to this intercourse, may not be expedient. It is seen with interest that, although it has not been practicable, as yet, to agree in any arrangement of this important branch of their Commerce, such is the disposition of the Parties, that each will view any regulations, which the other may make respecting it, in the most friendly light.

By the Vth Article of the Convention, concluded on the 20th of October, 1818,* it was stipulated that the differences which had arisen between the 2 Governments, with regard to the true intent and meaning of the 1st Article of the Treaty of Ghent,* in relation to the carrying away, by British Officers, of Slaves from The United States, after the exchange of the Ratifications of the Treaty of Peace, should be referred to the decision of some Friendly Sovereign or State, to be named for that purpose. The Minister of The United States has been instructed to name to the British Government, a Foreign Sovereign, the common Friend to both Parties, for the decision of this question. The answer of that Government to the proposal, when received, will indicate the further measures to be pursued on the part of The United States.

Although the pecuniary embarrassments which affected various parts of the Union, during the latter part of the preceding year, have, during the present, been considerably augmented, and still continue to exist, the Receipts into the Treasury, to the 30th of September last, have amounted to 19,000,000 dollars. After defraying the current expenses of the Government, including the interest and reimbursement of the Public Debt, payable to that period, amounting to 18,200,000 dollars, there remained in the Treasury, on that day, more than 2,500,000 dollars, which, with the sums receivable during the remainder of the year, will exceed the current demands upon the Treasury for the same period.

The causes which have tended to diminish the Public Receipts, could not fail to have a corresponding effect upon the Revenue which has accrued upon Imposts and Tonnage, during the 3 first Quarters of the present year; it is however ascertained that the Duties, which have been secured during that period, exceed 18,000,000 dollars, and those of the whole year will probably amount to 23,000,000 dollars.

For the probable Receipts of the next year, I refer you to the Statements which will be transmitted from the Treasury, which will enable you to judge whether further provision be necessary.

The great reduction in the price of the principal articles of domestic growth, which has occurred during the present year, and the consequent fall in the price of labour, apparently so favourable to the success of domestic manufactures, have not shielded them against

* See Commercial Treaties. Vol. 2. p. 394, 378.

other causes adverse to their prosperity. The pecuniary embarrassments which have so deeply affected the commercial interests of the Nation, have been no less adverse to our manufacturing establishments in several sections of the Union. The great reduction of the currency, which the Banks have been constrained to make, in order to continue specie payments, and the vitiated character of it where such reductions have not been attempted, instead of placing within the reach of these establishments the pecuniary aid necessary to avail themselves of the advantages resulting from the reduction of the prices of the raw materials, and of labour, have compelled the Banks to withdraw from them a portion of the capital heretofore advanced to them. That aid, which has been refused by the Banks, has not been obtained from other sources, owing to the loss of individual confidence, from the failures which have recently occurred in some of our principal commercial Cities.

An additional cause of the depression of these establishments may probably be found, in the pecuniary embarrassments which have recently affected those Countries with which our commerce has been principally prosecuted.

Their manufactures, for the want of a ready or profitable market at Home, have been shipped by the manufacturers to The United States, and, in many instances, sold at a price below their current value at the place of manufacture. Although this practice may, from its nature, be considered temporary, or contingent, it is not on that account less injurious in its effects. Uniformity, in the demand and price of an article, is highly desirable to the domestic manufacturer.

It is deemed of great importance to give encouragement to our domestic manufacturers. In what manner the evils adverted to may be remedied, and how far it may be practicable, in other respects, to afford to them further encouragement, paying due regard to the other great interests of the Nation, is submitted to the wisdom of Congress.

The survey of the Coast, for the establishment of Fortifications, is now nearly completed, and considerable progress has been made in the collection of materials for the construction of Fortifications in the Gulph of Mexico, and in the Chesapeake Bay. The works on the Eastern bank of the Potomac, below Alexandria, and on the Pea-patch in the Delaware, are much advanced ; and it is expected that the Fortifications at the Narrows, in the Harbour of New York, will be completed the present year. To derive all the advantages contemplated from these Fortifications, it was necessary that they should be judiciously posted, and constructed with a view to permanence. The progress, hitherto, has therefore been slow ; but, as the difficulties, in parts heretofore the least explored and known, are surmounted, it will, in future, be more rapid, As soon as the survey of the Coast is com-

pleted, which, it is expected, will be done early in the next spring, the engineers employed in it will proceed to examine, for like purposes, the northern and north-western Frontiers.

The troops intended to occupy a Station at the mouth of the St. Peters, on the Mississippi, have established themselves there, and those which were ordered to the Mouth of the Yellow Stone, on the Missouri, have ascended that river to the Council Bluffs, where they will remain until next spring, when they will proceed to the place of their destination. I have the satisfaction to state that this measure has been executed in amity with the Indian Tribes, and that it promises to produce, in regard to them, all the advantages which were contemplated by it.

Much progress has likewise been made in the construction of Ships of War, and in the collection of timber and other materials for Ship-building. It is not doubted that our Navy will soon be augmented to the number, and placed, in all respects, on the footing provided for by Law.

The Board, consisting of Engineers and Naval Officers, have not yet made their final Report, of sites for 2 Naval Depots, as instructed, according to the Resolutions of March 18th, and April 20th, 1818, but they have examined the Coast therein designated, and their Report is expected in the next month.

For the protection of our commerce in the Mediterranean; along the Southern Atlantic Coast; and in the Pacific and Indian Oceans, it has been found necessary to maintain a strong Naval Force, which it seems proper for the present to continue. There is much reason to believe, that, if any portion of the Squadron, heretofore stationed in the Mediterranean, should be withdrawn, our intercourse with the Powers bordering on that sea, would be much interrupted, if not altogether destroyed. Such too has been the growth of a spirit of Piracy, in the other quarters mentioned, by Adventurers from every Country, in abuse of the friendly flags which they have assumed, that, not to protect our Commerce there, would be to abandon it as a prey to their rapacity. Due attention has likewise been paid to the suppression of the Slave Trade, in compliance with a Law of the last Session. Orders have been given to the Commanders of all our Public Ships, to seize all Vessels, navigated under our Flag, engaged in that trade, and to bring them in, to be proceeded against, in the manner prescribed by that Law. It is hoped that these vigorous measures, supported by like Acts by other Nations, will soon terminate a commerce so disgraceful to the civilized world.

In the execution of the duty imposed by these Acts, and of a high trust connected with it, it is with deep regret I have to state the loss which has been sustained by the death of Commodore Perry. His

gallantry, in a brilliant exploit, in the late War, added to the renown of his Country. His death is deplored as a national misfortune.

Washington, December 7, 1819.

JAMES MONROE.

CONVENTION entre Sa Majesté le Roi de Suède, et de Norvège, et le Royaume de Norvège, d'une part, et Sa Majesté le Roi de Dannemarc, et le Royaume de Dannemarc, de l'autre; au sujet de la Dette Publique Danoise.— Faite et conclue à Stockholm, le 1 Septembre, 1819.

Nous, Charles Jean, par la grâce de Dieu, Roi de Suède, de Norvège, des Goths et des Vandales, savoir faisons : Que Notre très cher Frère et Cousin, le Sérénissime et très puissant Prince et Seigneur George, Prince Régent du Royaume Uni de la Grande Bretagne et d'Irlande, par suite de la demande que Nous Lui avons adressée, ayant consenti à vouloir, par sa médiation, contribuer à la conclusion d'une Convention entre Nous, dans Notre qualité de Roi de Norvège, et Notre très cher Frère et Cousin, le Sérénissime et très puissant Prince et Seigneur, Frédéric VI. Roi de Dannemarc, des Vandales et des Goths, Duc de Schlesvic, Holstein, de Stormarie, de Ditmarsen, de Lauenbourg, et d'Oldenbourg, afin de fixer, d'une manière définitive, le montant de la quote-part de la Norvège à la Dette publique Danoise, d'après le principe posé par le VI^{me}. Article du Traité de Paix de Kiel du 14 Janvier, 1814,* et en conformité au 93^{ème} para-

* ART. VI. du Traité de Paix de Kiel, entre le Dannemarc et La Suède.— Comme la totalité de la Dette de la Monarchie Danoise repose aussi bien sur le Royaume de Norvège que sur les autres parties du Royaume, le Roi de Suède, Souverain de la Norvège, s'engage de se charger d'une partie de ces Dettes, proportionnée à la Population et aux Revenus de la Norvège. Par Dette Publique sont entendues aussi bien celle qui a été contractée par le Gouvernement Danois à l'étranger, que celle qu'il a contractée dans l'intérieur de ses Etats. La dernière se compose d'Obligations Royales et de l'Etat, de Billets de Banque, et d'autres Papiers émis par l'autorité royale et actuellement circulant dans les 2 Royaumes. Le montant exact de cette Dette, tel qu'il étoit au 1^{er} Janvier 1814, sera fixé par des Commissaires qui seront nommés pour cela par les 2 Gouvernemens, et réparti d'après un calcul exact sur la population et les revenus des Royaumes de Dannemarc et de Norvège. Ces Commissaires s'assembleront à Copenhague dans le Mois après la ratification de ce Traité, et termineront cette affaire le plus promptement, mais au plus tard dans le courant de cette Année. Il est bien entendu que Sa Majesté le Roi de Suède, comme Souverain du Royaume de Norvège, ne se chargera, pour sa part, d'aucune Dette contractée par le Royaume de Dannemarc, si ce n'est la susdite, au payement de laquelle tous les Etats de ce Royaume, jusqu'à la cession de la Norvège, sont engagés.

graphe de la Constitution du Royaume de Norvège ;* ainsique pour convenir plus spécialement des termes de paiement de la dite somme ; et ayant à cet effet nommé des 2 cotés des Plénipotentiaires, lesquels, en vertu de leurs pleinpouvoirs respectifs, ont été par Nous autorisés à convenir, stipuler, arrêter et conclure une pareille Convention : savoir : Nous de Notre côté, Notre amé et féal le Sieur Paul Chrétien Holst, Notre Secrétaire d'Etat dans le Royaume de Norvège, Chevalier de Notre Ordre de l'Etoile Polaire ; et Sa Majesté le Roi de Dannemarc, le Sieur Hans Krabbe, son Chambellan et Envoyé Extraordinaire à Notre Cour, Commandeur de l'Ordre du Dannebrog, Chevalier de l'Ordre Impérial de Russie de Sainte Anne de la Seconde Classe : les susdits Plénipotentiaires, s'étant réunis dans Notre Ville de Résidence de Stockholm, après l'échange de leurs Pleinpouvoirs, reconnus en bonne et dûe forme,—et sous la médiation du Très-Honorable Percy Clinton, Sydney Smythe, Lord Vicomte et Baron de Strangford, Pair d'Irlande, Membre du Conseil Privé de Sa Majesté Britannique, son Envoyé Extraordinaire et Ministre Plénipotentiaire à Notre Cour, Grand-Croix de l'Ordre du Bain, de l'Ordre Royal de Portugal de la Tour et de l'Epée, et de plusieurs autres,—comme Ministre de la Puissance Médiatrice,—ont convenu, conclu, signé et scellé, le 1^{er} jour du mois courant de Septembre, une Convention entre Nous et le Royaume de Norvège d'une part, et Sa Majesté le Roi de Dannemarc et le Royaume de Dannemarc de l'autre, ainsi qu'elle se trouve ci-après mot-à-mot insérée.

Au nom de la Très-Sainte et Indivisible Trinité.

SA Majesté le Roi de Suède et de Norvège, et Sa Majesté le Roi de Dannemarc, également soigneux de cimenter de plus en plus les liens d'amitié et de bonne intelligence, qui subsistent déjà entre eux, et étant convenus de s'entendre définitivement sur tous les points, qui restent encore à régler en conséquence du Traité de Paix, signé à Kiel le 14 Janvier 1814, et nommément de son VI^{ème} Article, concernant la fixation et l'acquittement de la quote-part du Royaume de Norvège, aux Dettes communes de l'ancienne Monarchie Danoise ; les 2 Hautes Parties Contractantes, après avoir accepté, pour faciliter cet arrangement, et parvenir plus promptement à une conclusion définitive, les bons offices de Son Altesse Royale le Prince Régent du Royaume Uni de la Grande-Bretagne et d'Irlande, en qualité de Médiateur, ont respectivement choisi et nommé, à cet effet, pour Leurs Plénipotentiaires, savoir : Sa Majesté le Roi de Suède et de Norvège ; le Sieur Paul Chrétien Holst, son Secrétaire d'Etat en Norvège, et Chevalier de son Ordre de l'Etoile Polaire ; et Sa Majesté le Roi de Dannemarc, le Sieur Hans de Krabbe, son Chambellan, Envoyé Extraordinaire à la

* ART. XCIII de la Constitution de Norvège. La Norvège, ne répond d'aucune Dette, autre que sa propre Dette Nationale.

Cour de Stockholm, Commandeur de l'Ordre du Dannebrog, et Chevalier de celui de Sainte Anne de Russie, de la Seconde Classe ;—lesquels, après avoir échangé leurs Pleins-pouvoirs respectifs, trouvés en bonne et dûe forme, sont convenus (sous l'intervention du Très-Honorable Percy Clinton, Sydney Smythe, Lord Vicomte et Baron de Strangford, Pair d'Irlande, Membre du Conseil Privé de Sa Majesté Britannique, son Envoyé Extraordinaire et Ministre Plénipotentiaire à la Cour de Suède, Chevalier Grand Croix de l'Ordre du Bain, de celui de la Tour et de l'Epée, et de plusieurs autres, comme Ministre de la Puissance Médiatrice) des Articles suivans, savoir :

ART. I. Sa Majesté le Roi de Suède et de Norvège, en sa qualité de Roi du Royaume de Norvège, reconnait par la présente Convention, au nom de ce Royaume, et en vertu de sa Constitution, que la quote-part de la Norvège aux Dettes communes de l'ancienne Monarchie Dano-Norvégienne, exigible maintenant après la séparation des 2 Pays, est et demeure fixée, par un arrangement en bloc, à une somme de 3,000,000 de rixdalers de Banque de Hambourg (ou espèces à 9¼ pièces, par marc fin, poids de Cologne), Sa Majesté le Roi de Danemarck, accédant de son côté, à la fixation ci-dessus mentionnée de la quotité de la Dette du Royaume de Norvège au Danemarck. Sa Majesté le Roi de Suède et de Norvège s'engage en conséquence, tant pour Elle, que pour ses Héritiers et Successeurs, de faire payer, par la Norvège, à Sa Majesté le Roi de Danemarck, ou à ses Héritiers et Successeurs, la dite somme de 3,000,000 de rixdalers de Banque de Hambourg, portant 4 pour cent d'intérêts annuels, et cela aux termes et conditions plus spécialement stipulées ci-après.

II. Le capital de 3,000,000 de rixdalers de Banque de Hambourg sera payé par le Département des Finances du Royaume de Norvège, à l'Autorité compétente, que Sa Majesté le Roi de Danemarck désignera pour cet effet, dans l'espace de 10 ans, par payemens annuels et égaux, de 300,000 rixdalers de Banque de Hambourg, dont le premier sera échu le 1 Juillet, 1820, et ensuite successivement le 1 Juillet tous les ans, jusqu'au 1 Juillet, 1829, inclusivement, époque à laquelle toute la somme susmentionnée se trouvera entièrement acquittée. Sa Majesté le Roi de Suède et de Norvège reserve toute fois à ce dernier Royaume, la faculté d'accélérer les dits payemens annuels, par des sommes plus fortes, au cas que les finances de la Norvège pourraient, à l'avenir, le permettre.

III. Les 2 Hautes Parties Contractantes sont tombées d'accord, que les intérêts commenceront à courir, à dater du 1 Janvier, 1820, mais que ceux des premiers 6 mois, à compter de la dite époque, jusqu'au 1 Juillet de la même année, formant, à raison de 4 pour cent, pour le total du capital de 3,000,000, une somme de 60,000 rixdalers de Banque de Hambourg, ne seront acquittés par le Département des Finances du Royaume de Norvège, que la moitié, ou 30,000 rixdalers,

le 1 Juillet, 1820, conjointement avec le premier paiement sur le capital, et l'autre moitié, ou les 30,000 rixdalers restans, le 1 Juillet, 1821, en même tems que le second paiement sur le capital. Cet arrangement particulier pour la somme susmentionnée de 60,000 rixdalers d'intérêts, n'apportera aucun changement aux dispositions générales pour le paiement des intérêts par trimestres, de la manière qu'elles se trouveront énoncées dans l'Article suivant, et le Tableau spécial annexé à la présente Convention.

IV. Le premier paiement annuel de 300,000 rixdalers de Banque de Hambourg devant être, par suite de l'Article II, effectué le 1 Juillet, 1820, le restant du capital réciproquement convenu de 3,000,000, s'élevant alors à 2,700,000 rixdalers de Banque de Hambourg, portera aussi 4 pour cent. d'intérêts annuels, à compter du 1 Juillet, 1820 jusqu'à la même époque, 1821, payables régulièrement tous les 3 mois, et, à mesure des payemens annuels sur le capital, l'intérêt par quartier ne sera calculé, que pour les sommes successivement restantes du capital primitif.

Pour ne laisser aucune incertitude, ni sur la quotité successive, ni sur les époques des payemens du capital et des intérêts susmentionnés, il sera dressé un Tableau special à cet effet, annexé à la présente Convention, et qui sera ratifié en même tems.

V. Sa Majesté le Roi de Suède et de Norvège, ayant jugé pouvoir allier des dispositions suivantes, avec l'inviolabilité des droits de la représentation Nationale, s'engage, par le présent Article, à faire remettre, à l'échange des Ratifications de cette Convention, à Sa Majesté Danoise, ou à celui qu'elle désignera à cet effet, une obligation, émise et signée par le Département des Finances du Royaume de Norvège, pour le montant du premier paiement, ou 300,000 rixdalers de Banque de Hambourg, échu le 1 Juillet, 1820 ; après quoi Sa Majesté le Roi de Suède et de Norvège s'engage, à proposer au Storting de Norvège, (qui s'assemblera, aux termes de la Constitution du Royaume, le 1 Février, 1821) et ensuite de faire émettre, en vertu de la présente Convention, et de la liquidation définitive entre la Norvège et le Dannemarc qu'elle contient, les obligations requises pour les 9 payemens annuels, qui restent à acquitter, après le 1 Juillet, 1820, pour l'extinction totale du capital stipulé ; lesquelles obligations, accompagnées de coupons, représentant les intérêts annuels de 4 pour cent y appartenans, et constatant nominativement le terme de leur échéance successive, d'année à année pour le capital, et de quartier à quartier pour les intérêts, seront remises à Sa Majesté le Roi de Dannemarc, ou à celui que ce Souverain désignera à cet effet ; celle pour le paiement à acquitter le 1 Juillet, 1821, le 1 Avril, et les 8 autres, le 1 Juillet de la dite année, 1821.

Il s'entend que ces obligations, ainsi que les coupons représentant les intérêts, devront aux époques de leur échéance respective, être

régulièrement produites, devant celui que le Département des Finances du Royaume de Norvège aura délégué, pour effectuer, en son nom, à Copenhague, les payemens ; lesquels ne pourront jamais être exigés, sans la restitution simultanée des Titres, qui les représentent respectivement.

VI. Les Hautes Parties Contractantes ayant également à cœur de terminer toute autre espèce de liquidation, devenant une suite de l'Article VI du Traité de Kiel, de manière qu'elle n'entraîne aucun débours ultérieur en argent, de part ni d'autre ; et considérant aussi, que leurs Commissaires respectifs, qui ont traité ensemble à Copenhague, sont tombés d'accord sur la plupart des bases pour un arrangement de cette nature, elles se sont définitivement entendues sur les principes ci-après exposés, savoir :

(a.) Que la Norvège, ayant déjà pris à sa charge la masse des billets de la Banque autrefois commune, circulant en Norvège, à l'époque de sa séparation du Royaume de Dannemarc, laquelle somme a été approximativement évaluée, entre les Commissaires respectifs, à 6,000,000 de rixdalers de rigsbank, valeur nominale, le Royaume de Norvège est censé avoir pleinement acquitté sa quote-part du passif de la Banque Commune, de manière, qu'aucune prétention ne pourra plus être formée sur lui à cet égard.

La Norvège garde, en revanche, tous les titres, sans exception, des créances que cette Banque pourra avoir en Norvège.

(b.) Que le Storting du Royaume de Norvège, ayant déjà, par une décision en date du 4 Juin, 1818, et sanctionnée par le Roi, pris à la charge du Royaume, et converti en dette fondée, la somme de 1,032,640 rixdalers et 37 shellings espèces, formant une partie de la Dette Commune de l'ancienne Monarchie Danoise, représentée par des Obligations Royales ; la répartition de cette partie de la dette en question est regardée comme, par-là, effectuée, de sorte que la somme de 1,032,640 rixdalers, 37 shellings espèces, ci-dessus mentionnée, constituera de fait la seule et unique dette, de ce genre, dont la Norvège soit responsable.

Ce dernier Royaume garde, en revanche, toutes les créances directes en Norvège, du Gouvernement Royal, autrefois commun, sans exception aucune. Les titres, pour cet effet, seront fournis sans réserve, en autant qu'il s'en trouve entre les mains du Gouvernement Danois.

(c.) Que la Norvège se charge des dettes en Comptes Courans de l'ancien Gouvernement à des Sujets Norvégiens. Le Gouvernement Danois lui cède en revanche, ses créances en Norvège, d'après ces Comptes Courans, de manière que la Caisse d'Etat de Norvège garde toutes les Créances pareilles sur des habitans de ce Royaume, et reste responsable de toutes dettes de ce genre, qui n'auraient pas été acquittées ; et qu'en revanche la Caisse d'Etat de Dannemarc garde

toutes les autres créances, et reste responsable de toutes les autres dettes de cette espèce, à recueillir ou à acquitter ailleurs qu'en Norvège.

(d.) Qu'au cas qu'un Bilan fut requis, pour régler les transactions entre la Banque à Copenhague et celle de Christiania, jusqu'à la fin de l'année 1813, la responsabilité qui peut-être en résulterait pour l'une ou l'autre des 2 Parties, sera censée être annulée, et n'obligera point à des payemens en argent comptant. Sont exceptées toutefois les prétentions fondées sur les Comptes Courans entre les 2 Banques de Christiania et de Copenhague, lorsque les Comptes seront définitivement clos et arrêtés.

(e.) Que pour ce qui regarde les Fonds particulièrement affectés à certaines caisses et institutions publiques, tous ceux qui se rapportent exclusivement à la Norvège, seront, sans partage, alloués à ce Royaume, avec les charges et obligations y attachées, et de plus, la Norvège aura une part proportionnée, avec les charges et obligations y relatives, dans les fonds auxquels ceux de ses habitans, qui l'étaient déjà en 1814, auraient contribué.

Sont considérés comme Fonds Particuliers, qui appartiendront exclusivement à la Norvège :

1°. La Caisse de l'Hôpital Militaire Norvégien.

2°. Celle des impôts d'eau de vie en Finmarken.

3°. Les Fonds pour les Pilotes Norvégiens, qui se trouvent en Norvège.

4°. Celui pour les églises et les écoles dans le Nordland (en autant que ce Fonds soit particulier pour la Norvège.)

5°. Le Capital de 100,000 Rigsbankdalers, valeur d'argent, en Obligations d'Etat de Dannemarc, qu'en 1811 Sa Majesté Danoise a donné au Fonds de l'Université de Christiania, et qui sera acquitté immédiatement après l'échange des Ratifications de la présente Convention.

Sont considérés comme Fonds auxquels les habitans de Norvège ont contribué, et qui, par conséquent, seront proportionnellement partagés, à la suite d'un accord ultérieur entre les Commissaires respectifs, selon la nature particulière de ces Fonds :

1°. Le Fonds pour les blessés et délaissés du 2 Avril, 1801.

2°. Le Fonds établi pour l'état Militaire, par la publication du 8 Juin, 1803.

3°. La Caisse commune des Veuves.

4°. La Caisse de l'Hôpital militaire de la Marine.

5°. Le Fonds *ad usus publicos*.

6°. Le Fonds attaché à l'administration de la Justice, par suite de la Fondation du 25 Janvier, 1805.

7°. Le Fonds de la Chancellerie.

8°. Le Fonds général de rentes et de pensions, de l'ancienne Armée Dano-Norvégienne.

9°. Le Fonds extraordinaire de la Direction générale des Douanes, pour subvenir, dans des cas particuliers, au secours de ses Employés.

Il s'entend, que le principe maintenant stipulé, sera applicable à toute autre Caisse ou Fonds quelconque du même genre, qui n'aurait pas été nominativement compris dans l'énumération ci-dessus.

(f.) Que les mises dans les Tontines ne pouvant être partagées, par la nature même de ces institutions, les avantages y attachés sont réservés, dans une juste proportion, aux Norvégiens, qui y ont quelque part. En autant que le résidu de ces Tontines, après l'extinction des Titulaires des rentes viagères, se trouve réservé, par suite des réglemens de fondation, à la Caisse d'Etat en Dannemarc, la Norvège jouira, dans une juste proportion, de sa quote-part du dit résidu, qui reviendra, dans le cas ci-dessus, à la Caisse d'Etat en Norvège.

VII. Les points de liquidation, indiqués dans l'Article précédent, embrassant une infinité de détails, dont l'arrangement complet et définitif pourrait entraîner à des longueurs qu'il est instant d'éviter; les 2 Hautes Parties Contractantes sont convenues, qu'une liquidation spéciale et définitive, basée sur les principes généraux posés dans l'Article précédent, sera, immédiatement après l'échange des Ratifications de cette Convention, entamée à Copenhague, entre des Commissaires Norvégiens et Danois, choisis pour cet effet, et terminée, au plus tard, dans 6 mois après la dite époque. Les Sommes et Titres, à payer ou à remettre, de part et d'autre, par suite de cette liquidation, devront être acquittés ou délivrés 6 mois après sa conclusion.

VIII. L'Article XXI du Traité de Kiel,* stipulant la remise des Archives, Actes, Documens publics, Plans, Cartes, &c., concernant, soit le Gouvernement Norvégien, soit des Corporations ou des individus dans ce Pays, est, par la présente Convention, rappelé en pleine et entière vigueur, de la manière la plus explicite que faire se peut.

IX. Tout ce qui concerne le Traité de Kiel en général, et nommément son VI^{me}. Article, étant ainsi envisagé comme entièrement réglé, Sa Majesté le Roi de Suède et de Norvège, et Sa Majesté le Roi de Dannemarc déclarent, q'aucun payement ultérieur, hormis ce qui est

* ART. XXI, du Traité de Paix de Kiel de 1814, entre le Dannemarc et la Suède. Les Documens, Archives, et autres Papiers publics ou particuliers, appartenant aux Domaines, les Plans et Cartes des Forteresses, Villes, et Pays qui, par le présent Traité, échoient à Sa Majesté le Roi de Suède et à Sa Majesté le Roi de Dannemarc, y compris les Cartes et Papiers qui appartiennent au Bureau de l'Arpentage, seront échangés, sans aucune retenue et exception, par des Officiers Suédois et Danois, qui seront délégués pour cela, dans l'espace de 6 mois, ou, si cela n'est pas possible, au plus tard dans celui d'une Année.

stipulé actuellement, ne sera, soit à titre du dit Traité, soit pour cause de l'ancienne Union entre la Norvège et le Dannemarc, exigé de part et d'autre; ni par le Gouvernement Norvégien du Gouvernement Danois, ou des Sujets Danois; ni par le Gouvernement Danois du Gouvernement Norvégien, ou des Sujets Norvégien; de même qu'aucune prétention, qui, à ce titre, ou pour cette cause, a pu être avancée jusqu'à présent des deux cotés, ne sera désormais prise en considération, ou mise en discussion, qu'en tant qu'elle s'accorde avec les termes et les principes de cette Convention, qui annule de fait et de droit toute redevance ultérieure de part et d'autre.

X. La présente Convention sera faite en quadruple, et l'un des 4 Originaux, ainsi que la Copie certifiée de l'Acte de Ratification, seront respectivement délivrés, par chacune des 2 Hautes Parties Contractantes, au Lord Vicomte de Strangford, Envoyé Extraordinaire et Ministre Plénipotentiaire de la Puissance Médiatrice.

Cette Convention sera ratifiée, et les Ratifications en seront échangées à Stockholm, dans l'espace de 20 jours, à compter du jour de la signature, ou plutôt, si faire se peut.

En foi de quoi, nous Soussignés, en vertu de nos Pleinpouvoirs respectifs, avons signé la présente Convention, et y avons apposé les Cachets de nos Armes.

Fait à Stockholm, le 1 Septembre, l'An de Grâce 1819.

(L. S.) P. C. HOLST. (L. S.) HANS KRABBE.

Tableau spécial et indicatif des Payemens successifs à effectuer, en vertu de la Convention signée aujourd'hui, et y annexé, par suite de son IVème Article.

Année.	Dates des Payemens.	Montant des intérêts successifs à acquitter.	Payemens successifs sur le Capital convenu.	TOTAL par Années.
1820....	1 Juillet 1 Octobre	30,000 27,000	300,000	357,000
1821....	1 Janvier 1 Avril 1 Juillet 1 Octobre	27,000 27,000 57,000 24,000	300,000	435,000
1822....	1 Janvier 1 Avril 1 Juillet 1 Octobre	24,000 24,000 24,000 21,000	300,000	393,000

Année.	Dates des Payemens.	Montant des intérêts successifs à acquitter.	Payemens successifs sur le Capital convenu.	TOTAL par Années.
1823....	1 Janvier 1 Avril 1 Juillet 1 Octobre	21,000 21,000 21,000 18,000	300,000	381,000
1824....	1 Janvier 1 Avril 1 Juillet 1 Octobre	18,000 18,000 18,000 15,000	300,000	369,000
1825....	1 Janvier 1 Avril 1 Juillet 1 Octobre	15,000 15,000 15,000 12,000	300,000	357,000
1826....	1 Janvier 1 Avril 1 Juillet 1 Octobre	12,000 12,000 12,000 9,000	300,000	345,000
1827....	1 Janvier 1 Avril 1 Juillet 1 Octobre	9,000 9,000 9,000 6,000	300,000	333,000
1828....	1 Janvier 1 Avril 1 Juillet 1 Octobre	6,000 6,000 6,000 3,000	300,000	321,000
1829....	1 Janvier 1 Avril 1 Juillet	3,000 3,000 3,000	300,000	309,000
Rd. de Banque de Hambourg ..		600,000	3,000,000	3,600,000

Stockholm, le 1 Septembre, 1819.

(L. S.)

P. C. HOLST.

(L. S.)

HANS KRABBE.

Article Séparé.

L'Article V de la Convention signée aujourd'hui, portant que les obligations et coupons à émettre, de la manière y stipulée, tant à l'échange des Ratifications, que le 1^{er} Avril et 1^{er} Juillet 1821, devront être remises à Sa Majesté Danoise, ou à celui qu'elle désignera à cet effet, et Sa dite Majesté ayant fait connoître, par son Plénipotentiaire, le désir que ces mêmes obligations et coupons fussent remises au Ministre ou à l'Organe Diplomatique de la Puissance Médiatrice, résidant à la Cour de Stockholm, Sa Majesté le Roi de Suède et de

Norvège accède d'autant plus volontiers à cette disposition, faite en conséquence de l'Article précité, qu'elle trouve ainsi une nouvelle occasion de donner à Son Altesse Royale le Prince Régent du Royaume Uni de la Grande Bretagne et d'Irlande, une preuve du prix qu'Elle attache à son amitié, à son intervention, et au désir que Son Altesse Royale en a exprimé.

Cet Article Séparé aura la même force et valeur, que s'il était inséré, mot à mot, dans la Convention signée aujourd'hui, et sera ratifié en même tems.

En foi de quoi Nous Soussignés, en vertu de nos Pleinpouvoirs respectifs, avons signé le présent Article Séparé, et y avons apposé les Cachets de Nos Armes.

Fait à Stockholm, le 1^{er} Septembre, l'an de grâce, 1819.

(L.S.) P. C. HOLST.

(L.S.) HANS KRABBE.

A ces causes, Nous avons voulu ratifier, approuver et accepter la susdite Convention avec tous ses Articles, points, et clauses, de même que le Tableau y appartenant, et l'Article Séparé ci-dessus inséré, comme aussi par les présentes, Nous les acceptons, approuvons et ratifions, avec tous leurs Articles, points et clauses; promettons et Nous engageons, de la manière la plus efficace que faire se peut, de remplir et d'exécuter la dite Convention, avec son Tableau et son Article Séparé, dans toute leur teneur, sincèrement, fidèlement et loyalement.

En foi de quoi, nous avons signé les présentes de notre propre main, et les avons fait munir de notre grand Sceau Royal.

Fait en notre Ville de résidence de Stockholm, le 2 jour du mois de Septembre, l'an de grâce, 1819.

G. DE WETTERSTEDT.

(L.S.) CHARLES JEAN.

FREDERIC VI, par la Grâce de Dieu, Roi de Dannemarc, des Vandales et des Goths, Duc de Slesvic, Holstein, Stormarn, des Dithmarses, de Lauenbourg et d'Oldenbourg, savoir faisons: que comme, pour cimenter de plus en plus la bonne amitié, qui subsiste entre Nous et Sa Majesté le Roi de Suède et de Norvège, et pour arranger définitivement les points encore non-réglés du Traité de Paix, conclu à Kiel le 14 Janvier 1814, et nommément ce qui se rapporte à son VI^{ème} Article; Nous sommes convenus avec Sa Majesté le Roi de Suède et de Norvège,—sous la médiation de Son Altesse Royale le Prince Régent du Royaume Uni de la Grande Bretagne et d'Irlande, de conclure une Convention, laquelle a été négociée, conclue et signée par les Plénipotentiaires respectifs, et portant mot pour mot ce qui suit :

(Suit la Convention.)

A ces causes, Nous avons voulu agréer, confirmer et ratifier, la Convention ci-dessus insérée dans tous ses points et clauses, ainsi que

par les présentes nous agréons, confirmons et ratifions la susdite Convention, de la manière la plus efficace que faire se peut, pour Nous et pour Nos Successeurs au Trône de Dannemarc, engageant Notre parole Royale et promettant pour Nous et pour Eux de remplir, d'observer et d'exécuter la dite Convention, sincèrement, fidèlement et loyalement.

En foi de quoi, Nous avons signé cette Ratification de Notre propre main, et y avons fait apposer notre Sceau Royal.

Fait à Notre Chateau de Frédéricsberg, le 13 Septembre, l'an 1819, et de notre Règne le 12^{ème}.

N. ROSENKRANTZ.

(L.S.) FREDERIC. R.

FREDERIC VI., par la Grâce de Dieu, Roi de Dannemarc, des Vandales et des Goths, Duc de Slesvic, Holstein, Stormarn, des Dithmarses, de Lauenbourg et d'Oldenbourg, savoir faisons : que comme dans l'Article IV de la Convention conclue en date du 1 de ce mois, entre Nous et Sa Majesté le Roi de Suède et de Norvège, il a été convenu par les Plénipotentiaires respectifs, d'ajouter des déterminations exactes sur les époques des payemens et sur le montant des sommes, qui d'après la susdite Convention seront à payer successivement au Danne-marc, tant à titre d'acompte du Capital que des intérêts, et qu'à cet effet il a été dressé et signé, par les Plénipotentiaires respectifs, un Tableau spécial, qui se trouve inséré ici parfaitement conforme à l'original.

(Suit le Tableau.)

A ces causes, Nous avons voulu agréer, accepter, et ratifier, le Tableau spécial ci-dessus inséré, ainsi que par les présentes Nous l'agréons, acceptons, et ratifions, pour Nous et Nos Successeurs.

En foi de quoi, Nous avons signé cette Ratification de Notre propre main, et y avons fait apposer Notre Sceau Royal.

Fait à Notre Chateau de Frédéricsberg, le 13 Septembre, l'an 1819, et de Notre Règne le 12^{ème}.

N. ROSENKRANTZ.

(L.S.) FREDERIC. R.

FREDERIC VI., par la Grâce de Dieu, Roi de Dannemarc, des Vandales et des Goths, Duc de Slesvic, Holstein, Stormarn, des Dithmarses, de Lauenbourg et d'Oldenbourg, savoir faisons : que comme à l'occasion de la Convention, qui a été conclue à Stockholm le 1^{er} de ce mois, entre Nous d'un côté et Sa Majesté le Roi de Suède et de Norvège de l'autre, il a été en outre également arrêté, conclu et signé, un Article Séparé, contenant mot pour mot ce qui suit :

(Suit l'Article Séparé.)

A ces causes, Nous avons voulu accepter, approuver, et ratifier, le présent Article Séparé, dans toute sa teneur, comme aussi par les présentes nous l'acceptons, ratifions et confirmons, de la manière la plus

efficace que faire se peut. En foi de quoi, nous avons signé cette Ratification de Notre propre main, et y avons fait apposer Notre Sceau Royal.

Fait à Notre Chateau de Frédéricsberg, le 13 Septembre, l'an 1819, et de Notre Règne le 12^{ème}.

N. ROSENKRANTZ.

(L.S.) FREDERIC. R.

FREDERIC VI, par la Grâce de Dieu, Roi de Dannemarc, des Vandales et des Goths, Duc de Slesvic, Holstein, Stormarn, des Dithmarses, de Lauenbourg et d'Oldenbourg, savoir faisons : Que Sa Majesté le Roi de Suède et de Norvège nous ayant fait exprimer le désir que Nous fissions effacer de nos Armoiries Royales l'Ecusson avec le Lion de Norvège, et que, pour donner aussi à cet égard à Sa Majesté Suédoise et Norvégienne une nouvelle preuve de Notre amitié, Nous avons autorisé Notre Envoyé Extraordinaire actuel à Stockholm, de donner à ce sujet une Déclaration, laquelle se trouve ci-après mot-à-mot insérée.

Déclaration.

Le Plénipotentiaire de Sa Majesté le Roi de Dannemarc déclare par la présente, de la manière la plus formelle, ainsi qu'il y est expressément autorisé :

Que son Auguste Souverain s'engage à faire effacer des Armoiries Royales de Dannemarc, l'Ecusson avec le Lion de Norvège, de manière, que ni Sa Majesté, ni ses Héritiers and Successeurs, ne l'employeront ou le feront employer d'aucune manière, ni sur actes, documens, timbre, monnaie, édifices, emblèmes ou autres, de quelque nom et dénomination que ce soit, après l'espace de tems nécessaire pour effectuer les changemens à apporter aux dites Armoiries Royales de Dannemarc ;—qu'à cet effet, les mesures convenables seront prises immédiatement, et devront être accomplies au plus tard jusqu'au 1^{er} Janvier de l'année prochaine, 1820, pour la Monarchie Danoise en Europe ; dans l'espace de 1 An, à compter du jour de la signature de la présente Déclaration, pour les Agens et Fonctionnaires de Sa Majesté Danoise en Europe ; et de 2 Ans, à compter de la même époque, pour les Colonies Danoises ; mais qu'il est entendu que l'engagement actuel par rapport au non-usage futur de l'Ecusson du Royaume de Norvège, comme parti des Armoiries Royales de Dannemarc, ne saurait avoir et n'aura aucun effet rétroactif quelconque, pour actes, documens, timbre, monnaie, édifices, qui existent dans ce moment.

La présente Déclaration sera ratifiée par Sa Majesté le Roi de Dannemarc, et les Ratifications en seront échangées contre celles de Sa Majesté le Roi de Suède et de Norvège de la Contre-Déclaration du [1819—20.]

Plénipotentiaire de Sa dite Majesté, conjointement avec les Ratifications de la Convention signée aujourd'hui.

En foi de quoi, le Plénipotentiaire de Sa Majesté le Roi de Danemarck a signé la présente Déclaration, faite de la part et au nom de son Auguste Souverain, et y a apposé le Cachet de ses Armes.

Donnée à Stockholm, le 1^{er} Septembre, 1819.

(L. S.) KRABBE, *Envoyé Extraordinaire près
Sa Majesté le Roi de Suède et de Norrège.*

A ces causes, Nous avons voulu approuver, ratifier et confirmer, la Déclaration ci-dessus insérée dans toute sa teneur, ainsique par les présentes Nous l'approuvons, ratifions et confirmons, de la manière la plus efficace que faire se peut, engageant Notre parole Royale et promettant pour Nous, et pour Nos Successeurs, de remplir et d'observer fidèlement la dite Déclaration.

En foi de quoi, Nous avons signé cette Ratification de Notre propre main, et y avons fait apposer Notre Sceau Royal.

Fait à Notre Chateau de Frédéricsberg, le 13 Septembre, l'An 1819, et de Notre Règne le 12^{ème}.

N. ROSENKRANTZ.

(L. S.) FREDERIC R.

Nous, Charles Jean, par la grâce de Dieu, Roi de Suède, de Norvège, des Goths et des Vandales, savoir faisons : Que, comme à la suite de la Convention conclue le premier du Mois de Septembre courant, entre Nous et le Royaume de Norvège d'un côté, et Sa Majesté Danoise et le Royaume de Dannemarc de l'autre, Notre Plénipotentiaire, en acceptant ce qui se trouve stipulé et réglé dans la Déclaration donnée par le Ministre de Sa Majesté Danoise, a de Notre part, délivré une Contre-Déclaration, précisément telle, qu'elle se trouve ci-après mot-à-mot insérée :

Contre-Déclaration.

Le Plénipotentiaire de Sa Majesté le Roi de Suède et de Norvège, déclare par la présente, de la manière la plus formelle, ainsi qu'il y est expressément autorisé :

Que Son Auguste Souverain consent par la présente, à ce que l'engagement pris par Sa Majesté le Roi de Dannemarc, de faire effacer des Armoiries Royales du Dannemarc, l'Ecusson avec le Lion de Norvège, de manière que, ni Sa dite Majesté, ni Ses Héritiers et Successeurs, ne l'employeront ou le feront employer d'aucune manière, ni sur actes, documens, timbre, monnaie, édifices, emblèmes ou autres, de quelque nom et dénomination que se soit, ne soit mis en accomplissement et exécution définitive, que le 1^{er} Janvier de l'année prochaine 1820, pour la Monarchie Danoise en Europe, dans l'espace de 1 An, à compter du jour de la signature de la présente Contre-Déclaration,

pour les Agens et Fonctionnaires Danois en Europe, et dans 2 Ans, à compter de la même époque, pour les Colonies Danoises; et qu'il est entendu que cet engagement actuel par rapport au non-usage futur de l'Ecusson du Royaume de Norvège comme partie des Armoiries Royales du Dannemarc, ne pourra avoir ni aura aucun effet rétroactif quelconque, pour actes, documens, timbre, monnaye, édifices, qui existent en ce moment.

La présente Contre-Déclaration sera ratifiée par Sa Majesté le Roi de Suède et de Norvège, et les Ratifications en seront échangées, contre celles de Sa Majesté le Roi de Dannemarc de la Déclaration du Plénipotentiaire de Sa dite Majesté, conjointement avec les Ratifications de la Convention signée aujourd'hui.

En foi de quoi, le Plénipotentiaire de Sa Majesté le Roi de Suède et de Norvège, a signé la présente Contre-Déclaration, faite de la part et au nom de Son Auguste Souverain, et y a apposé son Cachet.

Donnée à Stockholm, le 1^{er} Septembre, 1819.

(L. S.) P. C. HOLST.

A ces causes, et dans notre qualité de Roi de Norvège, Nous avons voulu ratifier, approuver et accepter la dite Contre-Déclaration, avec tous ses points et clauses, comme aussi par les présentes, Nous l'acceptons, l'approuvons et la ratifions, avec tous ses points et clauses; promettons et Nous engageons, de la manière la plus efficace que faire se peut, de remplir et d'exécuter la susdite Contre-Déclaration dans toute sa teneur, sincèrement, fidèlement, et loyalement.

En foi de quoi, Nous l'avons signée de Notre propre main, et l'avons fait munir de Notre Grand Sceau Royal.

Fait en Notre ville de Résidence de Stockholm, le 2^e jour du Mois de Septembre, l'An de Grâce, 1819.

G. DE WETTERSTEDT.

(L. S.) CHARLES JEAN.

**COMMUNICATIONS, and Protocols of Conferences in
London, relative to the Residence, Title, &c., of Her Majesty
Queen Caroline, of Great Britain.—April, June, 1820.**

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No. 1.—The Queen to the Earl of Liverpool.

THE Queen commands Mr. Brougham to inform Lord Liverpool, that she has directed Her most serious attention to the declared sense of Parliament, as to the propriety of some amicable adjustment of existing Differences being attempted; and, submitting to that high authority with the gratitude due to the protection She has always received from it, Her Majesty no longer waits for a Communication from the Ministers of the Crown, but commands Mr. Brougham to announce Her own readiness to consider any arrangement that can be suggested, consistent with Her Dignity and Honour.

One o'Clock, Friday, 9th June, 1820.

No. 2.—The Earl of Liverpool to the Queen.

LORD Liverpool has had the honour of receiving the Queen's Communication of this day, and begs leave to acquaint Her Majesty, that a Memorandum delivered by Lord Liverpool to Mr. Brougham on the 15th April last,* contains the Propositions which Lord Liverpool was commanded by the King to communicate, through Mr. Brougham, to Her Majesty.

Her Majesty has not been advised to return any Answer to those Propositions, but Lord Liverpool assures Her Majesty that the King's Servants will still think it their duty, notwithstanding all that has passed, to receive for consideration any suggestions which Her Majesty, or Her Advisers, may have to offer upon those Propositions.

Fife-House, 9th June, 1820.

No. 3.—The Queen to the Earl of Liverpool.

THE Queen commands Mr. Brougham to inform Lord Liverpool, that She has received his Letter, and that the Memorandum of April 15, 1820, which the Proposition made through Lord Hutchinson had appeared to supersede, has also been now submitted to Her Majesty for the first time.

* See Appendix, Page 311.

Her Majesty does not consider the terms there specified as at all according with the condition upon which she informed Lord Liverpool yesterday that she would entertain a proposal ; namely, that it should be consistent with her Dignity and Honour. At the same time She is willing to acquit those who made this proposal, of intending any thing offensive to Her Majesty ; and Lord Liverpool's Letter indicates a disposition to receive any suggestions which she may offer.

Her Majesty retains the same desire which She commanded Mr. Brougham yesterday to express, of submitting Her own wishes to the authority of Parliament, now so decisively interposed. Still acting upon the same principle, She now commands Mr. Brougham to add, that She feels it necessary, before making any further Proposal, to have it understood, that the recognition of her Rank and Privileges as Queen, must be the basis of any arrangement which can be made. The moment that basis is established, Her Majesty will be ready to suggest a method by which She conceives all existing differences may be satisfactorily adjusted.

10th June, 1820.

No. 4.—The Earl of Liverpool to the Queen.

LORD Liverpool has had the honour of receiving the Queen's Communication, and cannot refrain from expressing the extreme surprise of the King's Servants, that the Memorandum of April 15th, the only Proposition to Her Majesty which ever was authorized by His Majesty, should not have been submitted to Her Majesty until yesterday.

That Memorandum contains so full a communication of the intentions and views of the King's Government with respect to the Queen, as to have entitled His Majesty's Servants to an equally frank, full, and candid explanation, on the part of Her Majesty's Advisers.

The Memorandum of the 15th April, while it proposed that Her Majesty should abstain from the exercise of the Rights and Privileges of Queen, with certain exceptions, did not call upon Her Majesty to renounce any of them.

Whatever appertains to Her Majesty by Law, as Queen, must continue to appertain to Her, so long as it is not abrogated by Law.

The King's Servants, in expressing their readiness to receive the suggestion for a satisfactory adjustment, which Her Majesty's Advisers promise, think it right, in order to save time, distinctly to state, that any proposition which they could feel it to be consistent with their duty to recommend to His Majesty, must have for its basis Her Majesty's residence Abroad.

11th June, 1820.

No. 5.—The Queen to the Earl of Liverpool.

THE Queen commands Mr. Brougham to acknowledge having received Lord Liverpool's Note of last night, and to inform his Lordship, that Her Majesty takes it for granted that the Memorandum of April 15th, was not submitted to her before Saturday, only because Her Legal Advisers had no opportunity of seeing Her Majesty until Lord Hutchinson was on the spot prepared to treat with Her.

Her Majesty commands Mr. Brougham to state, that as the basis of Her recognition as Queen is admitted by the King's Government, and as His Majesty's Servants express their readiness to receive any suggestion for a satisfactory adjustment; Her Majesty, still acting upon the same principles which have always guided her conduct, will now point out a method by which it appears to her that the object in contemplation may be attained.

Her Majesty's Dignity and Honour being secured, She regards all other matters as of comparatively little importance, and is willing to leave every thing to the decision of any Person or Persons of high station and character, whom both Parties may concur in naming, and who shall have authority to prescribe the particulars as to residence, patronage and income, subject, of course, to the approbation of Parliament.

12th June, 1820.

No. 6.—The Earl of Liverpool to the Queen.

LORD Liverpool has received the Communication made by the Queen's commands.

The King's Servants feel it to be unnecessary to enter into any discussion on the early parts of this Communication, except to repeat, that the Memorandum delivered to Mr. Brougham of the 15th April, contained the only Proposition to the Queen which the King authorized to be made to Her Majesty.

The views and sentiments of the King's Government, as to her Majesty's actual situation, are sufficiently explained in Lord Liverpool's Note of the 11th instant.

Lord Liverpool will proceed therefore to the Proposal made on the part of Her Majesty at the close of this Communication, viz. "that She is willing to leave every thing to the decision of any Person or Persons of high station and character, whom both Parties may concur in naming; and who shall have authority to prescribe the particulars as to residence, patronage, and income, subject, of course, to the approbation of Parliament."

The King's confidential Servants cannot think it consistent with their constitutional responsibility to advise the King to submit to any

arbitration, a matter so deeply connected with the honour and dignity of His Crown, and with the most important public interests; but they are fully sensible of the advantages which may be derived from an unreserved personal discussion; and they are therefore prepared to advise His Majesty to appoint 2 of His Majesty's confidential Servants, who, in concert with the like number of Persons to be named by the Queen, may frame an arrangement to be submitted to His Majesty, for settling, upon the basis of Lord Liverpool's Note of the 11th instant, the necessary particulars of Her Majesty's future situation.

13th June, 1820.

No. 7.—The Earl of Liverpool to Mr. Brougham.

LORD Liverpool presents his Compliments to Mr. Brougham, and requests that he will inform the Queen, that, if the accompanying Answer should not appear to require any Reply, Lord Liverpool is prepared to name the 2 Persons whom His Majesty will appoint for the purpose referred to in this Note.

13th June, 1820.

No. 8.—Mr. Brougham to the Earl of Liverpool.

MR. Brougham presents his Compliments to Lord Liverpool, and begs leave to inform him, that he has received the Queen's commands to name 2 Persons to meet the 2 whom his Lordship may name on the part of His Majesty's Government, for the purpose of settling an arrangement.

Mr. Brougham hopes to be favoured with Lord Liverpool's nomination this evening, in order that an early appointment for a meeting to-morrow may take place.

14th June, 1820.

Appendix.—Memorandum for a proposed Arrangement with the Queen.

THE Act of the 54th Geo. III, c. 160, recognized the separation of the Prince Regent from the Princess of Wales, and allotted a separate provision for the Princess.

This provision was to continue during the life of His late Majesty, and to determine at His demise.

In consequence of that event, it has altogether ceased, and no provision can be made for Her, until it shall please His Majesty to recommend to Parliament an arrangement for that purpose.

The King is willing to recommend to Parliament to enable His Majesty to settle an Annuity of 50,000*l.* a year upon the Queen, to be enjoyed by Her during Her natural life, and in lieu of any claim in the nature of jointure or otherwise; provided She will engage not to come into any Part of the British Dominions, and provided She en-

gages to take some other name or title than that of Queen, and not to exercise any of the Rights or Privileges of Queen, other than with respect to the appointment of Law Officers, or to any Proceedings in Courts of Justice.

The Annuity to cease upon the violation of those engagements, viz.; upon Her coming into any part of the British Dominions, or Her assuming the title of Queen, or Her exercising any of the Rights or Privileges of Queen, other than above excepted, after the Annuity shall have been settled upon Her.

Upon Her consent to an engagement on the above conditions, Mr. Brougham is desired to obtain a declaration to this effect, signed by Herself; and, at the same time, a full authority to conclude, with such Person as His Majesty may appoint, a formal engagement upon those principles.

15th April, 1820.

PROTOCOLS of Conferences.

No. 1.—Protocol of the First Conference, held in St. James's Square, 15th June, 1820.

IN pursuance of the Notes of the 13th and 14th of June, the Duke of Wellington and Lord Castlereagh, on the part of the King, having met Mr. Brougham and Mr. Denman, Her Majesty's Law Officers, in order to facilitate the proposed personal discussions, it was suggested by the former:

1st. That the Persons named to frame an Arrangement, although representing different interests, should consider themselves in discharge of this duty, not as opposed to each other, but as acting in concert with a view to frame an Arrangement in compliance with the understood wish of Parliament, which may avert the necessity of a public Inquiry into the information laid before the 2 Houses.

2d. The Arrangement to be made must be of such a nature, as to require from neither Party any concession as to the result to which such inquiry, if proceeded on, might lead. The Queen must not be understood to *admit*, or the King to *retract* any thing.

3d. That in order the better to accomplish the above important object, it was proposed, that whatever might pass in the First Conference, should pledge neither Party to any opinion; that nothing should be recorded without previous communication, and, as far as possible, common consent; and that, in order to facilitate explanation, and to encourage unreserved discussion, the substance only of what passed should be reported.

These preliminary points being agreed to, the questions to be examined (as contained in Lord Liverpool's Memorandum of the 15th April, 1820, delivered to Mr. Brougham previous to his proceeding to

St. Omer, and in Lord Liverpool's Note of the 11th of June, and Mr. Brougham's Note of the 12th of June, written by the Queen's command) were ;

1st. The future residence of the Queen abroad.

2d. The title which Her Majesty might think fit to assume when travelling on the Continent.

3d. The non-exercise of certain rights of Patronage in England, which it might be desirable that Her Majesty might desist from exercising, should she reside abroad ; and,

4th. The suitable Income to be assigned for life to the Queen residing abroad.

Her Majesty's Law Officers, on the part of The Queen, desired, in the first instance, that the fourth point should be altogether laid aside in these Conferences ;—Her Majesty desired it might make no part of the conditions, nor be mixed with the present discussions. They then proceeded to state, that, under all the circumstances of Her Majesty's position, they would not say that Her Majesty had any insuperable objection to living abroad ; on the contrary, if such Foreign residence were deemed indispensable to the completion of an Arrangement so much desired by Parliament, Her Majesty might be prevailed upon to acquiesce ; but then, that certain steps must be taken to remove the possibility of any inference being drawn from such compliance, and from the Inquiry not being proceeded in, unfavourable to Her Majesty's honour, and inconsistent with that recognition which is the basis of these Negotiations ; and Her Majesty's Law Officers suggested with this view the restoration of Her name to the Liturgy. To this it was replied, that the King's Government would, no doubt, learn with great surprise that a question of this important nature had now been brought forward for the first time, without having been adverted to in any of the previous discussions, and without being included amongst the heads to be now treated of ; that the Liturgy had been already regulated by His Majesty's formal Declaration in Council, and in the exercise of His Majesty's legal authority ; that the King, in yielding His own feelings and views to the wishes of Parliament, could not be understood (in the absence of inquiry) to alter any of those impressions under which His Majesty had hitherto deliberately and advisedly acted, and that, as it was at the outset stated, that the King could not be expected to retract any thing, no hope could be held out that the King's Government would feel themselves justified in submitting such a Proposition to His Majesty.

To this it was answered, that, although the point of the Liturgy was certainly not included by name amongst the heads to be discussed, Her Majesty's Law Officers felt themselves entitled to bring it forward, in its connection with the question of Her Majesty's residence abroad. It was further contended, that the alteration in the Liturgy was con-

trary to the plain sense and even letter of the Statute, and that it was highly objectionable on constitutional grounds, being contrary to the whole policy of the Law respecting the security of the Succession, and liable to be repeated in cases where the Succession itself might be endangered by it, and therefore it was said that a step so taken might well be retraced, without implying any unworthy concession. It was also urged that, the omission having been plainly made in contemplation of Legal or Parliamentary Proceedings against Her Majesty, it followed, when these proceedings were to be abandoned, that the omission should be supplied; and it followed, for the same reason, that supplying it would imply no retraction.

It was replied, that His Majesty had decided that Her Majesty's Name should not be inserted in the Liturgy, for several reasons not now necessary to discuss;—that His Majesty had acted under legal advice, and in conformity to the practice of His Royal Predecessors; and that the decision of His Majesty had not been taken solely with a view to intended Proceedings in Parliament, or at Law. Independent of the inquiry instituted before Parliament, His Majesty had felt himself long since called upon to adopt certain measures, to which His Majesty, as head of his family, and in the exercise of his prerogative, was clearly competent. These acts, together with that now under consideration, however reluctantly adopted, and however painful to His Majesty's feelings, were taken upon grounds, which the discontinuance of the Inquiry before Parliament could not affect, and which His Majesty could not therefore be expected to rescind: the principle, fairly applied, would go in truth no further, than to replace the Parties in the relative position in which they stood immediately before Her Majesty's arrival, and before the King's Message* was sent down to both Houses of Parliament.

After further discussion upon this point, it was agreed that the Duke of Wellington and Lord Castlereagh should report to the Cabinet

* Message of The King to both Houses of Parliament, 6th June, 1820.

GEORGE R.

The King thinks it necessary, in consequence of the arrival of The Queen, to communicate to the House of Lords [Commons] certain Papers respecting the conduct of Her Majesty, since her departure from this Kingdom, which He recommends to the immediate and serious attention of this House.

The King has felt the most anxious desire to avert the necessity of disclosures and discussions, which must be as painful to His People as they can be to Himself; but the step now taken by The Queen leaves Him no alternative.

The King has the fullest confidence that, in consequence of this Communication, the House of Lords [Commons] will adopt that course of proceeding, which the justice of the case, and the honour and dignity of His Majesty's Crown, may require.

GEORGE R.

what had passed, and come prepared with their determination to the next Conference. Her Majesty's Law Officers then asked, whether, in the event of the above proposition not being adopted, any other proceeding could be suggested on the part of His Majesty's Government, which might render Her Majesty's residence abroad consistent with the recognition of Her Rights, and the vindication of Her character; and they specially pointed at the official introduction of Her Majesty to Foreign Courts by the King's Ministers abroad. Upon this it was observed, that this Proposition appeared open to the same difficulty in point of principle; it was calling upon the King to retract the decision formally taken and avowed on the part of His Majesty,—a decision already notified to Foreign Courts,—and to render the position of His Majesty's Representatives abroad, in relation to Her Majesty, inconsistent with that of their Sovereign at home:—that the purpose for which this was sought by the Queen's Law Officers was inconsistent with the principle admitted at the commencement of the Conference, and was one that could not be reasonably required to be accomplished by the act of His Majesty, namely, to give to Her Majesty's conduct that countenance which the state of the case, as at present before His Majesty, altogether precluded.

At the same time it was stated, that while His Majesty, consistently with the steps already adopted, could not authorize the public reception of the Queen, or the introduction of Her Majesty at Foreign Courts by His Ministers abroad, there was nevertheless every disposition to see that branch of the orders already given faithfully and liberally executed, which enjoined the British Ministers on the Continent, to facilitate within their respective Missions, Her Majesty's accommodation, and to contribute to Her personal comfort and convenience.

Her Majesty's Law Officers gave the King's Servants no reason whatever to think, that the Queen could be induced to depart from the Propositions above stated, unless some others, founded on the same principles, were acceded to on the part of His Majesty's Government.

WELLINGTON.	H. BROUGHAM.
CASTLEREAGH.	T. DENMAN.

*No. 2.—Protocol of the Second Conference, held at the Foreign Office,
16th June, 1820.*

THE King's Servants began the Conference by stating, that they had not failed to report with fidelity to the King's Government, the Proposition brought forward by Her Majesty's Law Officers, that the Queen's name should be expressly included in the Liturgy, in order to protect Her Majesty against any misconstruction of the grounds on which Her Majesty might consent to reside abroad; that they were not deceived, for reasons already sufficiently explained, in anticipating

the surprize of their Colleagues, at the production of this question, for the first time, on the part of Her Majesty, more especially in the present advanced state of the Proceedings; that they were authorized distinctly to state, that the King's Servants could on no account advise His Majesty to rescind the decision already taken and acted upon in this instance; and that, to prevent misconception, the King's Government had charged the Duke of Wellington and Lord Castlereagh to explain, that they must equally decline to advise the King to depart from the principle already laid down by His Majesty, for the direction of his Representatives abroad, with regard to the public reception by the King's Ministers abroad, and introduction of Her Majesty at Foreign Courts; but that they were not only ready, but desirous, to guard in future by renewed Orders, against any possible want of attention to Her Majesty's comfort or convenience by His Majesty's Ministers abroad, and that wherever Her Majesty might think fit to establish her residence, every endeavour would be made to secure for Her Majesty from that State, the fullest protection, and the utmost personal comfort, attention, and convenience.

In explanation of the position in which the King actually stood upon this question in his Foreign Relations, the Instructions under which the Ministers abroad now acted were communicated to the Queen's Law Officers, and their attention was directed, as well to the principles therein laid down, and from which His Majesty could not be called upon to depart, as to that branch of the Instructions which was studiously framed to provide for the personal comfort and convenience of the Queen, when Princess of Wales.

The Queen's Law Officers then stated, that they must not be understood to suggest the giving of a general power to Her Majesty, to establish Her Court in any Foreign Country, and to be there received and presented by the English Minister, because reasons of State might render it inexpedient that, under certain circumstances, such an establishment should be made; but they wished that Her Majesty should have the power of being so received and treated by the English Minister, where no such reasons of State interfered; and they enquired, whether the same objection would exist to the public introduction of Her Majesty at some one Court, where She might fix Her Residence, if She waived the claim of introduction at Foreign Courts, generally:—to this it was answered, that the principle was in fact the same, whether at one or more Courts, and that, if the King could be consistently advised to meet the Queen's wishes in this instance at all, it would be more dignified for His Majesty to do so generally and avowedly, than to adopt any partial or covert proceeding. The Queen's Law Officers, referring to the decision of the Judges in George the First's Reign, said it would be a much more unexceptionable exercise of the Royal Prerogative, were the King even to prescribe where Her

Majesty should reside, but to order Her there to be treated as Queen by His Minister.

The King's Servants, in consequence of what had passed at a former Conference, then reverted to the mode in which the Queen had arrived in England, and the pain Her Majesty must experience, were she exposed to leave England in the like manner.

They acquainted Her Majesty's Law Officers that they could venture to assure them, that this difficulty would not occur.

The Queen arrived in England contrary to the King's wishes and representations, but, were Her Majesty now to desire to pass to the Continent, whether to a Port in the Channel, or, if it should more accord with Her Majesty's views, to proceed at once to the Mediterranean, a King's Yacht in the one instance, or a Ship of War in the other, might be ordered to convey Her Majesty.

After receiving these explanations, the Queen's Law Officers recurred to the points before touched upon, viz. the inserting The Queen's name in the Liturgy, or the devising something in the nature of an equivalent, and intimated their conviction that Her Majesty would feel it necessary to press one or both of those objects, or some other of a similar nature and tendency.

They then asked whether a residence in one of the Royal Palaces would be secured to Her Majesty, while in this Country, and observed that Her Majesty had never been deprived of Her apartments in Kensington Palace, until She voluntarily gave them up for the accommodation of the late Duke of Kent.

It was replied, that the King's Servants had no Instructions on this point. They however observed, that they believed the apartments which Her Majesty formerly occupied, when Princess of Wales, were at present actually in the possession of the Duchess of Kent, and that they considered that this point had been already disposed of, by supplying to Her Majesty the Funds which were necessary to furnish Her Majesty with a suitable residence.

Her Majesty's Law Officers then inquired, whether, supposing an Arrangement made, the mode of winding up the transaction, and withdrawing the information referred to Parliament, had been considered; and whether the King's Servants saw any objection, in the present instance, to the Houses of Parliament expressing, by suitable Addresses both to the King and Queen, their grateful thanks for their Majesties having acquiesced in an arrangement, by which Parliament had been saved the painful duty of so delicate and difficult a proceeding.

The King's Servants acknowledged this point had not been considered, but reserved to themselves to report the observations made thereupon to their Colleagues.

It was then agreed that, upon every view of duty and propriety, the final decision should not be protracted beyond Monday, to which

day it should be proposed that the Proceedings on the King's Message in the House of Commons should be adjourned, on a distinct explanation to this effect; and that a Conference should take place Tomorrow, in order to bring the business to a conclusion, and to arrange, by mutual consent, the Protocols of Conference.

WELLINGTON. H. BROUGHAM.
CASTLEREAGH. T. DENMAN.

*No. 3.—Protocol of the Third Conference, held at the Foreign Office,
17th June, 1820.*

THE Conference was opened by Her Majesty's Law Officers intimating, that, adverting to what had passed in the preceding Conference, they had nothing to propose, but to proceed to the adjustment of the Protocol.

The King's Servants stated, that, before they entered into this business of arranging the Protocol, they thought it their duty to advert to the points discussed in the preceding Conference, upon which no explicit opinion had been expressed by them on the part of His Majesty's Government; they then declared, that they were authorised to inform the Queen's Law Officers, that, in the event of Her Majesty's going to the Continent, a Yacht or Ship of War would be provided for the conveyance of Her Majesty, either to a Port in the Channel or to a Port in the Mediterranean, as Her Majesty might prefer:—

That every personal attention and respect would be paid by the King's Servants abroad to Her Majesty, and every endeavour made by them to protect Her Majesty against any possible inconvenience, whether in Her travels or residing on the Continent,—with the understood reserve, however, of public reception by the King's Ministers abroad, and introduction at Foreign Courts.

It was further stated by the King's Servants, that, having weighed the suggestion communicated by the Queen's Law Officers in the preceding Conference, they were now prepared to declare, that they saw no difficulty (if the terms in which the same were to be conveyed were properly guarded) to a Proposition being made to both Houses, for expressing by Address to the Queen, as well as to the King, their grateful acknowledgments for the facilities which Their Majesties might have respectively afforded, towards the accomplishment of an arrangement by which Parliament had been saved the necessity of so painful a discussion.

These observations not appearing to make any material difference in the views taken by Her Majesty's Law Officers of the result of the Conferences, it was agreed to proceed in the arrangement of the Protocols.

Before however the Protocol was discussed, the King's Servants desired distinctly to know from Her Majesty's Law Officers, whether

the introduction of The Queen's name in the Liturgy, and Her Majesty's introduction at Foreign Courts, were either of them a condition *sine quâ non* of an Arrangement on the part of the Queen; to which it was replied, that either the introduction of Her Majesty's name in the Liturgy, or an equivalent, which would have the effect of protecting Her Majesty against the unfavourable inference to which Her Majesty might, be liable, in leaving the Country under the circumstances in which Her Majesty was placed, was a *sine quâ non*. The Queen could not be advised voluntarily to consent to any Arrangement which was not satisfactory to Her Majesty's own feelings; however, Her Majesty, with a view to meet the understood wishes of Parliament, had felt it her duty to propose to leave the whole question to an arbitration.

No Proposition on the part of Her Majesty, other than those already adverted to, was brought forward.

WELLINGTON.
CASTLEREAGH.

H. BROUGHAM.
T. DENMAN.

No. 4.—*Protocol of the Fourth Conference, held at St. James's Square, 18th June, 1820.*

BEFORE proceeding to finish the discussion of the Protocols, it was suggested, on the part of the King's Servants, if possible, to meet the Queen's wishes, and in order the better to assure to Her Majesty every suitable respect and attention within the particular State in which she might think fit to establish her Residence (the Milanese or the Roman States having been previously suggested by Her Majesty's Law Officers, as the alternative within Her Majesty's contemplation) that the King would cause official notification to be made of Her Majesty's legal character as Queen, to the Government of such State:—that, consistently however with the reasons already stated, it must rest with the Sovereign of such State, what reception should be given to Her Majesty *in that character*.

The King's Servants were particularly anxious to impress upon the Queen's Law Officers the *public* grounds upon which this principle rested.

The general rule of Foreign Courts is to receive only those who are received at home.

The King could not with propriety require any point, of Foreign Governments, the refusal of which would not afford His Majesty just grounds of resentment or remonstrance.

It would be neither for the King's dignity nor for the Queen's comfort, that she should be made the subject of such a question.

To this it was replied, for the Queen, that with respect to this new proposition on the part of the King's Servants, it should be taken into

immediate consideration; but Her Majesty's Law Officers observed, that Her Majesty was not in the situation referred to in the above reasoning, having been habitually received at Court in this Country for many years, and having only ceased to go there, in 1814, out of regard to the peculiarly delicate situation in which the unfortunate differences in the Royal Family placed the late Queen.

The latter observation was met, on the part of the King's Servants, by a re-assertion of His Majesty's undoubted authority on this point, whether as King, or as Prince Regent in the exercise of the Royal Authority; that the Court held by Her late Majesty was in fact the Court of the Prince Regent, then acting in the name and on the behalf of His late Majesty, and that the present Queen, then Princess of Wales, was excluded from such Court.

WELLINGTON.

H. BROUGHAM.

CASTLEREAGH.

T. DENMAN.

*No. 5.—Protocol of the Fifth Conference, held at the Foreign Office,
19th June, 1820.*

THE Protocols of the preceding Conferences were read and agreed upon.

Her Majesty's Law Officers stated, that the Proposition of yesterday had been submitted to Her Majesty, and that it had not produced any alteration in Her Majesty's sentiments.

In order to avoid any misinterpretation of the expression used in mentioning their belief that Her Majesty might overcome Her reluctance to go abroad, viz. "under all the circumstances of Her position," they stated that they meant thereby, the unhappy domestic differences which created the difficulty of Her Majesty holding a Court, and the understood sense of Parliament, that Her Majesty's Residence in this Country might be attended with public inconvenience.

They also protested generally, in Her Majesty's name, against being understood to propose or to desire any terms inconsistent with the honour and dignity of the King, or any which Her own vindication did not seem to render absolutely necessary.

Memorandum.

The 2d and 3d Points, as enumerated for discussion in the Protocol of the First Conference, were not brought into deliberation, in consequence of no satisfactory understanding having taken place upon the Points brought forward by Her Majesty's Law Officers.

The 5 Protocols were then respectively signed.

WELLINGTON.

H. BROUGHAM.

CASTLEREAGH.

T. DENMAN.

BRITISH ORDER IN COUNCIL, prohibiting the exportation of Gunpowder, or Saltpetre, or Arms, or Ammunition, to Spain, the Coast of Africa, the West Indies, or certain Parts of America.—29th May, 1820.

At the Court of Carlton-House, the 29th of May, 1820;

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS the time limited by the Order in Council of the 20th of November last, for prohibiting the exportation of Gunpowder, Arms, or Ammunition, to the places therein specified, will expire on the 30th day of this instant May; and whereas it is expedient, that the said prohibition should be continued for some time longer; His Majesty, by and with the advice of His Privy Council, doth hereby order, require, prohibit, and command, that no person or persons whatsoever (except the Master-General of the Ordnance for His Majesty's service) do, at any time during the space of 6 months (to commence from the 30th day of this instant May,) presume to transport any Gunpowder or Saltpetre, or any sort of Arms or Ammunition, to any Port or Place within the Dominions of the King of Spain, or to any Port or Place on the Coast of Africa, or in the West Indies, or on any part of the Continent of America (except to a Port or Place, or Ports or Places, in His Majesty's Territories or Possessions on the Continent of North America, or in the Territories of The United States of America,) or ship or lade any Gunpowder or Saltpetre, or any sort of Arms or Ammunition, on board any Ship or Vessel, in order to transporting the same into any such Ports or Places within the Dominions of the King of Spain, or into any such Ports or Places on the Coast of Africa, or in the West Indies, or on the Continent of America (except as above excepted,) without leave or permission in that behalf first obtained from His Majesty, or His Privy Council, upon pain of incurring and suffering the respective forfeitures and penalties inflicted by an Act, passed in the 29th Year of the reign of His late Majesty King George the Second, intituled "An Act to empower His Majesty to prohibit the exportation of Saltpetre, and to enforce the Law for empowering His Majesty to prohibit the exportation of Gunpowder, or any sort of Arms or Ammunition, and also to empower His Majesty to restrain the carrying Coastwise of Saltpetre, Gunpowder, or any sort of Arms or Ammunition;" and also by an Act, passed in the 33d Year of His late Majesty's reign, cap. 2, intituled "An Act to enable His Majesty to restrain the exportation of Naval Stores, and more effectually to prevent the exportation of Saltpetre, Arms, and Ammunition, when prohibited by Proclamation or Order in Council."

And the Right Honourable the Lords Commissioners of His Majesty's Treasury, the Commissioners for executing the Office of Lord High Admiral of Great Britain, the Lord Warden of the Cinque Ports, the Master-General and the rest of the Principal Officers of the Ordnance, and His Majesty's Secretary at War, are to give the necessary directions herein as to them may respectively appertain.

JAS. BULLER.

An Account of the Ordinary Revenues and Extraordinary Resources constituting th

HEADS OF REVENUE. (UNITED KINGDOM.)	BALANCES.			GROSS RECEIPT.	
	Balances in the Hands of Collectors, on the 5th January, 1819.	Balances in the Hands of Receivers- General, on the 5th January, 1819.	Bills arising out of the Revenue 1818, but which not becoming due until after the 5th January 1819, are carried to account of the latter year.	Gross Receipt within the Year.	TOTAL Sum to be accounte for.
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
ORDINARY REVENUES.					
CUSTOMS, including the Annual Duties -	101,787 0 3½	17,215 16 4½	451,030 3 6½	14,734,562 1 9½	15,304,595 2 0
EXCISE, including the Annual Duties -	56,413 0 9½	132,764 16 0	401,906 19 2	27,955,810 14 0½	28,546,895 10 0
STAMPS -	122,462 2 1½	39,447 0 9½	74,071 5 5½	7,113,266 6 0½	7,349,246 14 5
LAND and ASSESSED TAXES, including the Assessed Taxes of Ireland -	3,472 10 6½	467,824 16 1	-	8,172,851 10 5½	8,644,148 17 1
POST OFFICE -	156,435 14 9½	14,073 2 9½	102,366 6 2	2,129,821 18 0½	2,402,697 1 9
ONE SHILLING in the Pound on Pensions and Salaries -	-	2,244 0 1	-	17,600 6 6	19,844 6 7
SIX-PENCE in the Pound on Pensions and Salaries -	-	2,264 4 5	-	8,414 0 8	10,678 5 1
HACKNEY COACHES -	-	180 0 9	-	26,534 17 6	26,714 18 3
HAWKERS and Pedlars -	-	2,069 4 1½	-	27,309 7 6	29,378 11 7
POUNDAGE FEES (Ireland) -	-	-	-	4,227 7 3½	4,227 7 3½
PELLS FEES (do.) -	-	-	-	845 9 3½	845 9 3½
CASUALTIES (do.) -	-	-	-	-	-
TREASURY FEES and Hospital Fees (do.) -	-	-	-	4,826 14 0½	4,826 14 0½
SMALL BRANCHES of the King's Hereditary Revenue -	-	26,651 0 11½	-	660 19 11½	660 19 11½
TOTAL OF ORDINARY REVENUES £	440,570 8 6½	704,734 2 5½	1,029,374 14 4½	60,318,272 16 8½	62,492,952 2 0
OTHER RESOURCES.					
PROPERTY TAX and INCOME DUTY (Arrears) -	-	77,536 7 5	-	105,597 19 3	183,134 6 8
LOTTERY, Net Profit -	-	-	-	679,150 0 0	679,150 0 0
UNCLAIMED Dividends, Annuities, Lottery Prizes, &c. per Act 56 Geo. III, cap. 97. -	-	-	-	-	-
SURPLUS Fees of Regulated Public Offices -	-	-	-	237,512 16 11	237,512 16 11
VOLUNTARY Contributions -	-	-	-	25,280 10 3	25,280 10 3
FROM several County Treasurers in Ireland, on account of Advances made by the Treasury for improving Post Roads, for building Gaols, and under the Police Act of 54 Geo. III, (Ireland) -	5,720 18 11½	-	-	57,870 18 6	57,870 18 6
IMPREST MONIES repaid by sundry Public Accountants, and other Monies paid to the Public -	-	-	-	73,996 9 4½	79,717 8 4
TOTAL (exclusive of Loans) £	446,291 7 5½	782,270 9 10½	1,029,374 14 4½	374,906 9 9	64,130,524 12 5½
LOANS paid into the Exchequer -	-	-	-	18,756,087 6 4	18,756,087 6 4
TOTAL PUBLIC INCOME of The United Kingdom, inclusive of the Loans paid into the Exchequer -	446,291 7 5½	782,270 9 10½	1,029,374 14 4½	80,628,675 7 1	82,886,611 18 9½

Public Income of Great Britain and Ireland, for the Year ended 5th January, 1820.

RATE Per- Centum for which the Gross Revenue was collected.	Drawbacks, Discounts, Charges of Management, and Expenses incidental to and paid out of the Gross Revenue.					NET PRODUCE applicable to National Objects, and to Payments into the Exchequer.	RATE Per Centum for which the Net Produce of the Revenue was collected.
	Repayments, Allowances, Discounts, Drawbacks, & Bounties of the nature of Draw- backs: Allow- ances to the Two Universi- ties on account of Almanacks, and for Paper and Parchment to stamp on.	Quarantine and other Charges; also Irish Packet Establishment, with the Allow- ance to Ireland in lieu of Packet Postage; also, Irish Postage, received in and placed to the Debit of Great Britain.	CHARGES of Management.	TOTAL Payments out of the Gross Revenue.			
£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
10 19 6	1,912,835 12 4½	81,994 17 11	1,617,100 7 6½	3,611,930 17 9½	11,692,664 4 2½	14 10 9½	
4 19 4½	1,592,622 15 0½	-	1,388,632 10 4½	2,981,255 5 5	25,565,640 4 7	5 11 2½	
3 9 2½	213,971 18 11½	-	246,200 7 1½	460,172 6 1	6,889,074 8 4½	3 14 0½	
4 15 1½	-	-	388,594 0 9	388,594 0 9	8,255,554 16 4	4 19 10	
26 18 2½	7,285 9 9	32,068 19 8½	573,142 13 8½	612,497 3 2½	1,790,199 18 7	37 15 5½	
2 15 9½	-	-	491 5 0	491 5 0	19,353 1 7	2 17 4½	
2 17 3½	-	400 0 0	241 1 10	641 1 10	10,087 3 3	3 2 0	
15 12 10½	-	-	4,150 14 9	4,150 14 9	22,564 3 6	18 10 10½	
12 13 1½	-	-	3,456 11 7	3,456 11 7	25,922 0 0½	14 9 10½	
-	-	-	-	-	4,227 7 3½	-	
-	-	-	-	-	815 9 3½	-	
-	-	-	-	-	4,826 14 0½	-	
-	-	-	-	-	660 19 11½	-	
3 17 9	-	-	4,725 10 3½	4,725 10 3½	143,466 14 3½	4 0 11	
7 9 1½	3,726,715 16	114,463 7 7½	4,226,735 2 11½	8,067,914 16 8½	54,425,037 5 4	8 1 9½	
-	-	-	8,650 17 9½	8,650 17 9½	174,483 8 10½	-	
-	-	-	13,850 0 0	13,850 0 0	665,300 0 0	-	
-	-	-	-	-	237,512 16 11	-	
-	-	-	-	-	25,280 10 3	-	
-	-	-	-	-	57,870 18 6	-	
-	-	-	-	-	79,717 8 4	-	
-	-	-	-	-	374,906 9 9	-	
-	3,726,715 16 1½	114,463 17 7½	4,249,236 0 8½	8,090,415 14 5½	56,040,108 17 11½	-	
-	-	-	-	-	18,756,087 6 4	-	
-	3,726,715 16 1½	114,463 17 7½	4,249,236 0 8½	8,090,415 14 5½	74,796,196 4 3½	-	

An Account (*continued*) of the Ordinary Revenues and Extraordinary Resources

HEADS OF REVENUE. (UNITED KINGDOM.)	Payments out of the Net Produce, applicable														
	Bounties for promoting Fisheries, Linen Manufactures &c.			Militia and Deserters Warrants: Defence of the Realm, and other Services.			Pensions out of the Heredi- tary Revenue, and perpetual Pensions and Stipends charged on the Land Re- venue.			Expenses in- curred in securing and improving His Majesty's Woods, and Forests, and Land Revenue, including Pay- ments to the Commission- ers for execu- ting the Act, 53 Geo. III, cap. 121.			By Virtue of Warrants of the Barons of the Exchequer in Scotland, under the Au- thority of different Acts of Parliament, towards the Support of the Civil Govern- ment of that Country.		
ORDINARY REVENUES.	£	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.
CUSTOMS, including the An- nual Duties	240,068	8	9½	75,509	15	0½	-	-	-	-	-	-	73,102	0	6½
EXCISE, including the An- nual Duties	68,781	6	9	10,930	2	10½	14,000	0	0	-	-	-	120,904	7	1
STAMPS	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
LAND and ASSESSED TAXES, including the Assessed Taxes of Ireland	-	-	-	47,471	2	1½	-	-	-	-	-	-	-	-	-
POST OFFICE	-	-	-	-	-	-	13,700	0	0	-	-	-	-	-	-
ONE SHILLING in the Pound on Pensions and Salaries	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
SIX-PENCE in the Pound on Pensions and Salaries	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
HACKNEY COACHES	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
HAWKERS and PEDLARS	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
POUNDAGE FEES (Ireland)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
PELLS FEES (do.)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
CASUALTIES (do.)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
TREASURY FEES and Hospi- tal Fees (do.)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
SMALL BRANCHES of the KINGS Hereditary Re- venue	-	-	-	-	-	-	9,115	19	4½	96,674	15	10	-	-	-
TOTAL OF ORDINARY REVENUES £.	308,849	15	6½	133,911	0	0½	36,815	19	4½	96,674	15	10	194,006	7	7½
OTHER RESOURCES.															
PROPERTY TAX and INCOME DUTY (Arrears)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
LOTTERY, Net Profit	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
UNCLAIMED Dividends, An- nuities, Lottery Prizes, &c. per Act 56 Geo. III, cap. 97	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
SURPLUS Fees of Regulated Public Offices	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
VOLUNTARY Contributions - FROM several County Treas- urers in Ireland, on ac- count of Advances made by the Treasury for im- proving Post Roads, for building Gaols, and under the Police Act of 54 Geo. III, (Ireland)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
IMPREST MONIES repaid by sundry Public Account- ants, and other Monies paid to the Public	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
TOTAL (exclusive of Loans) £.	308,849	15	6½	133,911	0	0½	36,815	19	4½	96,674	15	10	194,006	7	7½
LOANS paid into the Ex- chequer	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
TOTAL PUBLIC INCOME of The United Kingdom, inclusive of the Loans paid into the Exche- quer	308,849	15	6½	133,911	0	0½	36,815	19	4½	96,674	15	10	194,006	7	7½

constituting the Public Income of Great Britain and Ireland, for the Year ended 5th Jan. 1820.

National Objects.			PAYMENTS into the EXCHEQUER.	BALANCES.			TOTAL DISCHARGE of the NET PRODUCE.
Navy and Army Half Pay- ments by Ireland in account of Great Britain.	MONIES [Imprest in the Hands of different Persons.	TOTAL Payments out of the NET REVENUE.		BALANCES in the Hands of Collectors, on the 5th January, 1820.	BALANCES in the Hands of Receivers General, on the 5th Janu- ary, 1820.	BILLS arising out of the Revenue 1819, but which not becoming due until after the 5th January, 1820, are carried to account of the latter Year.	
£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
740 7 6½	3,216 17 11	449,540 9 10½	10,902,769 1 0½	80,132 18 10½	16,013 11 11	244,208 2 6½	11,692,664 4 2½
1,329 16 2½	- - -	254,146 12 10½	24,894,990 19 6½	32,025 9 2½	133,589 19 5½	250,887 3 5½	25,565,640 4 7
- - -	- - -	- - -	6,666,712 10 2	118,685 3 6	36,785 15 1½	66,890 19 7½	6,889,074 8 4½
- - -	- - -	47,471 2 1½	7,696,170 5 3½	6,359 10 7½	505,553 18 3	- - -	8,255,554 16 4
- - -	- - -	13,700 0 0	1,526,538 9 3	171,101 4 5½	10,313 14 9½	68,546 10 1	1,790,199 18 7
- - -	- - -	- - -	16,447 15 1	- - -	2,905 6 6	- - -	19,353 1 7
- - -	- - -	- - -	9,161 19 4	- - -	875 3 11	- - -	10,037 3 3
- - -	- - -	- - -	22,131 0 0	- - -	433 3 6	- - -	22,564 3 6
- - -	- - -	- - -	24,760 0 0	- - -	1,162 0 0½	- - -	25,922 0 0½
- - -	- - -	- - -	4,227 7 3½	- - -	- - -	- - -	4,227 7 3½
- - -	- - -	- - -	845 9 3½	- - -	- - -	- - -	845 9 3½
- - -	- - -	- - -	4,826 14 0½	- - -	- - -	- - -	4,826 14 0½
- - -	- - -	- - -	660 19 11½	- - -	- - -	- - -	660 19 11½
- - -	{ Hanaper } { 2,000 0 0 }	107,790 15 2½	14,919 12 5	- - -	20,756 6 7½	- - -	143,466 14 3½
574 3 9½	5,216 17 11	872,649 0 1½	51,785,162 2 8½	408,304 6 8½	728,389 0 2	630,532 15 8	54,425,037 5 4
- - -	- - -	- - -	162,563 19 2½	- - -	11,919 9 8	- - -	174,483 8 10½
- - -	- - -	- - -	665,300 0 0	- - -	- - -	- - -	665,300 0 0
- - -	- - -	- - -	237,512 16 11	- - -	- - -	- - -	237,512 16 11
- - -	- - -	- - -	25,280 10 3	- - -	- - -	- - -	25,280 10 3
- - -	- - -	- - -	57,870 18 6	- - -	- - -	- - -	57,870 18 6
- - -	- - -	- - -	79,651 10 6½	65 17 9½	- - -	- - -	79,717 8 4
- - -	- - -	- - -	374,906 9 9	- - -	- - -	- - -	374,906 9 9
574 3 9½	5,216 17 11	872,649 0 1½	53,388,248 7 10½	408,370 4 6	740,308 9 10	630,532 15 8	56,040,108 17 11½
- - -	- - -	- - -	18,756,087 6 4	- - -	- - -	- - -	18,756,087 6 4
574 3 9½	5,216 17 11	872,649 0 1½	72,144,335 14 2½	408,370 4 6	740,308 9 10	630,532 15 8	74,796,196 4 3½

An Account of the Ordinary Revenues and Extraordinary Resources, constituting

HEADS of REVENUE. (GREAT BRITAIN)	BALANCES.			GROSS RECEIPT.	
	Balance in the Hands of Collectors on the 5th January, 1819.	Balance in the Hands of Receivers- General, on the 5th January, 1819.	Bills arising out of the Revenue 1818, remitted to the Receivers General in London, but which not becoming due until after the 5th January, 1819, are carried to account of the latter Year.	Gross Receipt within the Year.	Total Sum to be accounted for
ORDINARY REVENUES.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
CUSTOMS, including the Annual Duties -	84,682 17 1	17,215 16 4	391,073 9 6	12,587,780 14 2	13,080,752 17 2
EXCISE, including the Annual Duties -	- -	132,764 16 0	343,500 0 0	25,960,421 16 7	26,456,686 12 7
STAMPS -	110,766 4 7	39,302 14 9	52,787 15 0	6,582,353 11 4	6,785,210 5 9
LAND and ASSESSED TAXES	- -	467,824 16 1	- -	7,812,105 7 10	8,279,330 3 11
POST OFFICE -	143,935 4 5	12,694 10 6	102,366 6 2	1,952,682 12 7	2,211,678 13 8
ONE SHILLING in the Pound, on Pensions and Salaries	- -	2,244 0 1	- -	17,600 6 6	19,844 6 7
SIX-PENCE in the Pound, on Pensions and Salaries	- -	2,264 4 5	- -	8,414 0 8	10,678 5 1
HACKNEY COACHES -	- -	180 0 9	- -	26,534 17 6	26,714 18 3
HAWKERS and PEDLARS -	- -	2,069 4 1	- -	27,309 7 6	29,378 11 7
Small Branches of the King's Hereditary Revenue:	- -	- -	- -	- -	- -
ALIENATION FINES -	- -	2,778 2 1	- -	8,844 10 0	11,622 12 1
POST FINES -	- -	252 19 2	- -	1,065 4 5	1,318 3 7
SEIZURES -	- -	- -	- -	8,212 4 11	8,212 4 11
COMPOSITIONS and Proffers	- -	- -	- -	602 5 6	602 5 6
CROWN LANDS -	- -	23,619 19 8	- -	102,816 18 8	126,436 18 5
TOTAL OF ORDINARY REVENUES	£ 339,384 6 1	703,211 4 1	889,727 10 8	55,096,743 18 5	57,029,066 19 4
OTHER RESOURCES.					
PROPERTY TAX and INCOME DUTY. (Arrears.) -	- -	77,536 7 5	- -	105,597 19 3	183,134 6 8
LOTTERY (Net Profit) -	- -	- -	- -	679,150 0 0	679,150 0 0
UNCLAIMED DIVIDENDS, Annuities, Lottery Prizes, &c. per Act 56 Geo. III, c. 97. -	- -	- -	- -	237,512 16 11	237,512 16 11
SURPLUS FEES of Regulated Public Offices -	- -	- -	- -	25,280 10 3	25,280 10 3
VOLUNTARY Contributions	- -	- -	- -	57,870 18 6	57,870 18 6
IMPREST Monies, repaid by sundry Public Account- ants, and other Monies paid to the Public -	- -	- -	- -	251,241 10 4	251,241 10 4
TOTAL (exclusive of Loans)	£ 339,384 6 1	780,747 11 6	889,727 10 8	56,453,397 13 8	58,463,257 2 0
Loans paid into the Exchequer:					
ON Contributions to Annu- ities, per Act 58 Geo. III, c. 23 -	- -	- -	- -	246,819 19 4	246,819 19 4
ON Contributions to An- nuities towards discharg- ing Exchequer Bills, per Act 58 Geo. III, c. 23 -	- -	- -	- -	1,589,471 16 0	1,589,471 16 0
ON Contributions to An- nuities, per Act 59 Geo. III, c. 42 -	- -	- -	- -	10,919,795 11 0	10,919,795 11 0
ON Contributions to An- nuities from Commis- sioners for the Reduction of National Debt, per Act 59 Geo. III, c. 71 -	- -	- -	- -	6,000,000 0 0	6,000,000 0 0
TOTAL PUBLIC INCOME of Great Britain, inclu- sive of the Loans paid into the Exchequer -	£ 339,384 6 1	780,747 11 6	889,727 10 8	75,209,455 0 0	77,219,344 8 4

the Public Income of GREAT BRITAIN, for the Year ended 5th January, 1820.

Rate per Centum for which the Gross Revenue was Collected.	Drawbacks, Discounts, Charges of Management, and Expenses incidental to and paid out of the Gross Revenue.					NET PRODUCE applicable to National Objects, and to Payments into the Exchequer.	Rate Per-Centum for which the Net Produce of the Revenue was collected.
	Repayments Allowances, Discounts, Drawbacks, & Bounties of the Nature of Drawbacks; Allowances to the Two Universities on account of Almanacks, and for Paper and Parchment to stamp on.	Quarantine and other Charges, also Irish Packet Establishment, with the Allowance to Ireland in lieu of Packet Postage; also, Irish Postage, received in and placed to the Debit of Great Britain.	CHARGES of Management.	TOTAL Payments out of the Gross Revenue.			
£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
9 15 9	1,800,630 10 4½	81,994 17 11	1,231,991 17 3½	3,114,677 5 7½	9,966,075 11 7½	13 0 1½	
4 6 8½	1,576,341 10 11½	- -	1,125,729 11 6½	2,702,071 2 5½	23,734,615 10 1½	4 16 9½	
3 1 1½	203,353 16 9½	- -	201,272 11 0½	404,626 7 10	6,380,583 17 11	3 5 2	
3 19 8½	- -	- -	311,342 7 0½	311,342 7 0½	7,968,587 16 11½	4 3 0½	
23 9 6½	- -	32,068 19 8½	458,421 4 6	490,490 14 2½	1,721,187 19 6	30 13 4½	
2 15 9½	- -	- -	491 0	491 5 0	19,353 1 7	2 17 4½	
2 17 3½	- -	400 0 0	241 1 10	641 1 10	10,037 3 3	3 2 0	
15 12 10½	- -	- -	4,150 14 9	4,150 14 9	22,564 3 6	18 10 10½	
12 13 1½	- -	- -	3,456 11 7	3,456 11 7	25,922 0 0½	14 9 10½	
3 17 9	- -	- -	1,147 8 0	1,147 8 0	10,475 4 1	4 0 11	
		- -	115 18 4	115 18 4	1,202 5 3½		
		- -	- -	- -	8,212 4 11		
		- -	- -	- -	602 5 6		
6 1 3½	3,580,385 18 1½	114,463 17 7½	3,341,823 4 9½	7,036,673 0 6½	49,992,393 18 9½	6 19 0½	
- -	- -	- -	8,650 17 9½	8,650 17 9½	174,483 8 10½	- -	
- -	- -	- -	13,850 0 0	13,850 0 0	665,300 0 0	- -	
- -	- -	- -	- -	- -	237,512 16 11	- -	
- -	- -	- -	- -	- -	25,280 10 3	- -	
- -	- -	- -	- -	- -	57,870 18 6	- -	
- -	- -	- -	- -	- -	251,241 10 4½	- -	
- -	3,580,385 18 1½	114,463 17 7½	3,364,324 2 6½	7,059,173 18 4	51,404,083 3 8½	- -	
- -	- -	- -	- -	- -	246,819 19 4	- -	
- -	- -	- -	- -	- -	1,589,471 16 0	- -	
- -	- -	- -	- -	- -	10,919,795 11 0	- -	
- -	- -	- -	- -	- -	6,000,000 0 0	- -	
- -	3,580,385 18 1½	114,463 17 7½	3,364,324 2 6½	7,059,173 18 4	70,160,170 10 0½	- -	

(Continued.)

An Account (*continued*) of the Ordinary Revenues and Extraordinary Resources con-

HEADS of REVENUE. (GREAT BRITAIN.)	Payments out of the Net Produce, Applicable to				
	Bounties for promoting Fisheries, Linen Manufac- tures, &c.	Militia and Deserters Warrants; Defence of the Realm; and other Ser- vices.	Pensions out of the Here- ditary Re- venue; and Per- petual Pen- sions and Sti- pends, charg- ed on the Land Re- venue.	Expenses incurred in securing and improving His Majesty's Woods, Forests, and Land Revenue, includ- ing Payments to the Commissioners for executing the Act 53 Geo. III, c. 121.	By Virtue of War- rants of the Barons of the Exchequer in Scotland, under the Authority of different Acts of Parliament, to- wards the Support of the Civil Go- vernment of that Country.
ORDINARY REVENUES.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
CUSTOMS, including the An- nual Duties -	217,408 14 6	- - -	- - -	- - -	73,102 0 6½
EXCISE, including the An- nual Duties -	68,781 6 9	10,000 0 0	14,000 0 0	- - -	120,904 7 1
STAMPS -	- - -	- - -	- - -	- - -	- - -
LAND and ASSESSED TAXES	- - -	47,471 2 1½	- - -	- - -	- - -
POST OFFICE -	- - -	- - -	13,700 0 0	- - -	- - -
ONE SHILLING in the Pound, on Pensions and Salaries	- - -	- - -	- - -	- - -	- - -
SIX-PENCE in the Pound, on Pensions and Salaries	- - -	- - -	- - -	- - -	- - -
HACKNEY COACHES -	- - -	- - -	- - -	- - -	- - -
HAWKERS and PEDLARS -	- - -	- - -	- - -	- - -	- - -
<i>Small Branches of the King's</i> <i>Hereditary Revenue:</i>	- - -	- - -	- - -	- - -	- - -
ALIENATION FINES -	- - -	- - -	- - -	- - -	- - -
POST FINES -	- - -	- - -	- - -	- - -	- - -
SEIZURES -	- - -	- - -	- - -	- - -	- - -
COMPOSITIONS and Proffers	- - -	- - -	- - -	- - -	- - -
CROWN LANDS -	- - -	- - -	9,115 19 4½	96,674 15 10	- - -
TOTAL OF ORDINARY REVENUES £	286,190 1 3	57,471 2 1½	36,815 19 4½	96,674 15 10	194,006 7 7½
OTHER RESOURCES.					
PROPERTY TAX and INCOME DUTY. (Arrears) -	- - -	- - -	- - -	- - -	- - -
LOTTERY (Net Profit) -	- - -	- - -	- - -	- - -	- - -
UNCLAIMED DIVIDENDS, Annuities, Lottery Prizes, &c. per Act 56 Geo. III, c. 97. -	- - -	- - -	- - -	- - -	- - -
SURPLUS FEES of Regulated Public Offices -	- - -	- - -	- - -	- - -	- - -
VOLUNTARY Contributions	- - -	- - -	- - -	- - -	- - -
IMPREST MONIES, repaid by sundry Public Account- ants, and other Monies paid to the Public -	- - -	- - -	- - -	- - -	- - -
TOTAL (exclusive of Loans) £	286,190 1 3	57,471 2 1½	36,815 19 4½	96,674 15 10	194,006 7 7½
<i>Loans paid into the Exchequer:</i>					
ON Contributions to Annu- ities, per Act 58 Geo. III, c. 23. -	- - -	- - -	- - -	- - -	- - -
ON Contributions to Annu- ities towards discharging Exchequer Bills, per Act 58 Geo. III, c. 23. -	- - -	- - -	- - -	- - -	- - -
ON Contributions to Annu- ities, per Act 59 Geo. III, c. 42. -	- - -	- - -	- - -	- - -	- - -
ON Contributions to Annu- ities from Commissioners for the Reduction of Na- tional Debt, per Act 59 Geo. III, c. 71. -	- - -	- - -	- - -	- - -	- - -
TOTAL PUBLIC INCOME of Great Britain, inclu- sive of the Loans paid into the Exchequer -	286,190 1 3	57,471 2 1½	36,815 19 4½	96,674 15 10	194,006 7 7½

NOTE.

{ The Appropriated Balance in the Exchequer, on the 5th January 1819, amounted to -
 { The Unappropriated Balance in the Exchequer, on the 5th January 1819, amounted to -
 { The Appropriated Balance in the Exchequer, on 5th January 1820, amounted to - - -
 { The Unappropriated Balance in the Exchequer, on 5th January 1820, amounted to - - -

NOTE.

{ The Amount of Exchequer Bills, Navy Bills, and Transport Bills,
 { issued for the Public Service, between the 5th January 1819, and
 { the 5th January 1820 and not redeemed within that period, was:

stituting the Public Income of GREAT BRITAIN, for the Year ended 5th January, 1820.

National Objects.			BALANCES.				TOTAL DISCHARGE of the NET PRODUCE.
MONIES Imprest in the hands of different Persons.	TOTAL PAYMENTS out of the NET PRODUCE.	PAYMENTS into the EXCHEQUER.	BALANCE in the hands of Collectors, on the 5th January 1820.	BALANCE in the hands of Receivers General, on the 5th January 1820.	Bills arising out of the Revenue 1819, remitted to the Receivers General in London, but which not becoming due until after the 5th January 1820, are carried to account of the latter Year.		
£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	
3,216 17 11	293,727 12 11½	9,388,509 7 5½	78,398 2 5½	16,013 11 11	189,426 16 9½	9,966,075 11 7½	
- - -	213,685 13 10	23,187,839 16 10	- - -	133,589 19 5	199,500 0 0	23,734,615 10 1½	
- - -	- - -	6,184,242 17 3	113,170 1 3	36,416 11 9	46,754 7 8	6,380,583 17 11	
- - -	47,471 2 1½	7,415,562 16 6½	- - -	505,553 18 3	- - -	7,968,587 16 11½	
- - -	13,700 0 0	1,473,000 0 0	156,674 5 8	9,267 3 9	68,546 10 1	1,721,187 19 6	
- - -	- - -	16,447 15 1	- - -	2,905 6 6	- - -	19,353 1 7	
- - -	- - -	9,161 19 4	- - -	875 3 11	- - -	10,037 3 3	
- - -	- - -	22,131 0 0	- - -	433 3 6	- - -	22,564 3 6	
- - -	- - -	24,760 0 0	- - -	1,162 0 0½	- - -	25,922 0 0½	
{ Hanaper 2,000 0 0 }	2,000 0 0	5,145 2 0	- - -	3,330 2 1	- - -	10,475 4 1	
- - -	- - -	- - -	- - -	1,202 5 3½	- - -	1,202 5 3½	
- - -	- - -	8,212 4 11	- - -	- - -	- - -	8,212 4 11	
- - -	- - -	602 5 6	- - -	- - -	- - -	602 5 6	
- - -	105,790 15 2½	960 0 0	- - -	16,223 19 3½	- - -	122,974 14 6½	
5,216 17 11	676,375 4 1½	47,736,575 4 11½	348,242 9 4½	726,973 5 9½	504,227 14 6½	49,992,393 18 9½	
- - -	- - -	162,563 19 2½	- - -	11,919 9 8	- - -	174,483 8 10½	
- - -	- - -	665,300 0 0	- - -	- - -	- - -	665,300 0 0	
- - -	- - -	237,512 16 11	- - -	- - -	- - -	237,512 16 11	
- - -	- - -	25,280 10 3	- - -	- - -	- - -	25,280 10 3	
- - -	- - -	57,870 18 6	- - -	- - -	- - -	57,870 18 6	
- - -	- - -	251,241 10 4½	- - -	- - -	- - -	251,241 10 4½	
5,216 17 11	676,375 4 1½	49,136,345 0 2½	348,242 9 4½	738,892 15 5½	504,227 14 6½	51,404,083 3 8½	
- - -	- - -	246,819 19 4	- - -	- - -	- - -	246,819 19 4	
- - -	- - -	1,589,471 16 0	- - -	- - -	- - -	1,589,471 16 0	
- - -	- - -	10,919,795 11 0	- - -	- - -	- - -	10,919,795 11 0	
- - -	- - -	6,000,000 0 0	- - -	- - -	- - -	6,000,000 0 0	
5,216 17 11	676,375 4 1½	67,892,432 6 6½	348,242 9 4½	738,892 15 5½	504,227 14 6½	70,160,170 10 0½	

- - - £. 9,979,182 18 10½ } 9,979,182 18 10½ }
 Nil.

- - - £. 12,933,237 11 6½ } 12,933,237 11 6½ }
 Nil.

In Exchequer Bills - - - £. 9,698,000 0 0 }
 - Navy and Transport Bills - - - 453,645 8 4 }
 - Victualling Bills - - - 98,814 1 6 }

Whitehall, Treasury Chambers, 1st May, 1820.

S. R. LUSHINGTON.

An Account of the Ordinary Revenues and Extraordinary Resources, constituting

HEADS OF REVENUE. (IRELAND.)	BALANCES.			GROSS RECEIPT.	
	BALANCE in the Hands of Collectors, on the 5th January, 1819.	BALANCE in the Hands of Receivers. General, on the 5th January, 1819.	Bills deposited by the Receiver General in the Bank of Ire- land, to the Credit of the Teller of the Exchequer but not due until after the 5th January, 1819.	GROSS RECEIPT within THE YEAR.	TOTAL SUM to be accounted for
	£. s. d.	£. s. d.		£. s. d.	£. s. d.
ORDINARY REVENUES.					
CUSTOMS - - -	17,104 3 2½	- - -	59,956 14 0½	2,146,781 7 6½	2,223,842 4 9½
EXCISE - - -	56,413 0 9½	- - -	58,406 19 2	1,995,388 17 5½	2,110,208 17 4½
STAMPS - - -	11,695 17 6½	144 6 0½	21,283 10 5½	530,912 14 8	564,036 8 8½
TAXES - - -	3,472 10 6½	- - -	- - -	360,746 2 7	364,218 13 1½
POST OFFICE - -	12,500 10 4½	1,378 12 3½	- - -	177,139 5 5	191,018 8 0½
POUNDAGE FEES -	- - -	- - -	- - -	4,227 7 3½	4,227 7 3½
PELLS FEES - -	- - -	- - -	- - -	845 9 3½	845 9 3½
CASUALTIES - -	- - -	- - -	- - -	4,826 14 0½	4,826 14 0½
TREASURY FEES and Hospi- tal Fees - - -	- - -	- - -	- - -	660 19 11½	660 19 11½
TOTAL OF ORDINARY REVENUES £	101,186 2 4½	1,522 18 4½	139,647 3 8	5,221,528 18 3	5,463,885 2 8
OTHER RESOURCES.					
From several County Treasurers, per the Receiver General, on account of Advances made by the Treasury for improving Post Roads in Ireland -	3,885 12 8½	- - -	- - -	30,178 11 7	34,064 4 3½
From several County Treasurers, per the Receiver General, on account of Advances made by the Treasury for building Gaols -	1,833 5 11½	- - -	- - -	18,160 7 1	19,993 13 0½
From several County Treasurers, per the Receiver General, on account of Advances made by the Treasury under the Police Act of 54 Geo. III -	2 0 3½	- - -	- - -	25,657 10 8½	25,659 11 0
Other Monies paid to the Public - - -	- - -	- - -	- - -	123,664 19 4½	123,664 19 4½
TOTAL PUBLIC INCOME OF IRELAND £	106,907 1 4	1,522 18 4½	139,647 3 8	5,419,190 7 0½	5,667,267 10 4½
APPROPRIATED DUTIES for Local Objects.					
LINEN Manufactures -	- - -	- - -	- - -	248 15 8½	248 15 8½
IMPROVEMENT of Dublin -	7 8 10½	- - -	- - -	11,239 1 10	11,246 10 8½
REPAIRS of the Royal Exchange and Commercial Buildings -	17 6 3½	- - -	- - -	1,945 6 6½	1,962 12 10
LAGAN Navigation -	1,465 18 7½	- - -	- - -	5,366 6 9½	6,832 5 4½
INNS of Court - - -	- - -	- - -	- - -	2,188 9 2½	2,188 9 2½
LIGHT-HOUSES - - -	756 17 6	- - -	692 6 2	25,678 19 6½	27,128 3 2½
DUNLEARY Harbour -	2 14 10½	- - -	- - -	8,926 2 1½	8,928 17 0½
WATERFORD Harbour -	9 13 4½	- - -	81 4 7½	- - -	90 18 0
TOTAL of Appropriated Duties for Local Objects. £	2,259 19 6½	- - -	773 10 9½	55,593 1 8½	58,626 12 1
TOTAL including the Appropriated Duties. £.	109,167 0 10½	1,522 18 4½	140,420 14 5½	5,474,783 8 9½	5,725,894 2 5½

NOTE.—The Appropriated Balance in the Exchequer, on the 5th January, 1819,
The Unappropriated Balance in the Exchequer, on the 5th January, 1819.
The Appropriated Balance in the Exchequer, on the 5th January, 1820,
The Unappropriated Balance in the Exchequer, on the 5th January, 1820.

the Public Income of IRELAND, for the Year ended the 5th of January, 1820.

RATE Per Centum for which the GROSS REVENUE was collected.	Drawbacks, Discounts, Charges of Management, &c. paid out of the Gross Revenue.			NET PRODUCE applicable to National Ob- jects, and to Payments into the Exchequer.	RATE Per Centum, for which the NET PRODUCE of the REVENUE was collected.
	Repayments, Drawbacks, Discounts, &c.	CHARGES of MANAGEMENT	TOTAL PAYMENTS out of the GROSS REVENUE.		
£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
17 18 9½	112,145 1 11½	385,108 10 3	497,253 12 2½	1,726,588 12 7	23 6 11½
13 3 6½	16,281 4 1½	262,902 18 10½	279,184 2 11½	1,831,024 14 5½	15 6 4½
8 9 3	10,618 2 1½	44,927 16 1½	55,545 18 3	508,490 10 5½	9 9 0½
21 8 3½	-	77,251 13 8½	77,251 13 8½	286,966 19 4½	27 5 0
64 15 3½	7,285 9 9	114,720 19 2½	122,006 8 11½	69,011 19 1	208 1 7½
-	-	-	-	4,227 7 3½	-
-	-	-	-	845 9 3½	-
-	-	-	-	4,826 14 0½	-
-	-	-	-	660 19 11½	-
16 18 11½	146,329 17 11½	884,911 18 2	1,031,241 16 1½	4,432,643 6 6½	21 2 4½
-	-	-	-	34,064 4 3½	-
-	-	-	-	19,993 13 0½	-
-	-	-	-	25,659 11 0	-
-	-	-	-	123,664 19 4½	-
-	146,329 17 11½	884,911 18 2	1,031,241 16 1½	4,636,025 14 3½	-
-	-	-	-	248 15 8½	-
-	-	-	-	11,246 10 8½	-
-	-	-	-	1,962 12 10	-
-	2,968 13 2½	-	2,968 13 2½	3,863 12 1½	-
-	-	-	-	2,188 9 2½	-
-	2 15 3½	-	2 15 3½	27,125 7 11½	-
-	0 17 0	-	0 17 0	8,928 0 0½	-
-	-	-	-	90 18 0	-
-	2,972 5 6½	-	2,972 5 6½	55,654 6 6½	-
-	149,302 3 5½	834,911 18 2	1,034,214 1 7½	4,691,680 0 10	-

(Continued.)

amounted to - £. 7,557 1 6 } £ 694,430 1 3½
amounted to - 686,872 19 9½ }
amounted to - 7,050 9 4½ } £ 490,700 17 10
amounted to - 483,650 8 5½ }

An Account (*continued*) of the Ordinary Revenues and Extraordinary Resources
January,

HEADS OF REVENUE. (IRELAND.)	Payments out of the Net Produce, applicable to National objects.			
	BOUNTIES for promoting the Fisheries, Linen Manufactures, &c.	PAYMENTS on account of Militia, Deserters, Straggling Scamen, Army of Reserve, Fortification, Compensation, &c.	Navy and Army Half Pay, Pay- ments for Account of Great Britain	TOTAL PAYMENTS out of the Net Produce.
	£. s. d.	£. s. d.	£. s. d.	£. s. d.
ORDINARY REVENUES.				
CUSTOMS - - - - -	22,659 14 3½	75,509 15 0½	57,643 7 6½	155,812 16 11
EXCISE - - - - -	- - -	930 2 10½	39,530 16 2½	40,460 19 0½
STAMPS - - - - -	- - -	- - -	- - -	- - -
TAXES - - - - -	- - -	- - -	- - -	- - -
POST OFFICE - - - - -	- - -	- - -	- - -	- - -
POUNDAGE FEES - - - - -	- - -	- - -	- - -	- - -
PELLS FEES - - - - -	- - -	- - -	- - -	- - -
CASUALTIES - - - - -	- - -	- - -	- - -	- - -
TREASURY FEES, and Hospital Fees	- - -	- - -	- - -	- - -
TOTAL OF ORDINARY REVENUES.	£ 22,659 14 3½	76,439 17 11	97,174 3 9½	196,273 15 11½
OTHER RESOURCES.				
From several County Treasurers, per the Receiver General, on ac- count of Advances made by the Treasury for improving Post Roads in Ireland - - - - -	- - -	- - -	- - -	- - -
From several County Treasurers, per the Receiver General, on ac- count of Advances made by the Treasury for building Gaols - - -	- - -	- - -	- - -	- - -
From several County Treasurers, per the Receiver General, on ac- count of Advances made by the Treasury under the Police Act of 54 Geo. III - - - - -	- - -	- - -	- - -	- - -
Other Monies paid to the Public - -	- - -	- - -	- - -	- - -
TOTAL PUBLIC INCOME OF IRELAND.	£ 22,659 14 3½	76,439 17 11	97,174 3 9½	196,273 15 11½
APPROPRIATED DUTIES for Local Objects.				
LINEN Manufactures - - - - -	- - -	- - -	- - -	- - -
IMPROVEMENT of Dublin - - - - -	- - -	- - -	- - -	- - -
REPAIRS of the Royal Exchange and Commercial Buildings - - - - -	- - -	- - -	- - -	- - -
LAGAN Navigation - - - - -	- - -	- - -	- - -	- - -
INNS of Court - - - - -	- - -	- - -	- - -	- - -
LIGHT-HOUSES - - - - -	- - -	- - -	- - -	- - -
DUNLEARY Harbour - - - - -	- - -	- - -	- - -	- - -
WATERFORD Harbour - - - - -	- - -	- - -	- - -	- - -
TOTAL of Appropriated Duties for Local Objects	£ - - -	- - -	- - -	- - -
TOTAL including the Appropriated Duties.	£ 22,659 14 3½	76,439 17 11	97,174 3 9½	196,273 15 11½

constituting the Public Income of IRELAND, for the Year ended the 5th of 1820.

PAYMENTS into the EXCHEQUER.	BALANCES.			TOTAL DISCHARGE of the NET PRODUCE.
	BALANCE in the Hands of Collectors on the 5th January 1820.	BALANCE in the Hands of Receivers General, on the 5th January 1820.	Bills deposited in the Bank of Ireland by the Receiver General, to the Credit of the Teller of the Exchequer, but not due until after the 5th January, 1820.	
£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
1,514,259 13 6½	1,734 16 4½	- -	54,781 5 9	1,726,588 12 7
1,707,151 2 8½	32,025 9 2½	- -	51,387 3 5½	1,831,024 14 5½
482,469 12 11	5,515 2 3	369 3 4½	20,136 11 11½	508,490 10 5½
280,607 8 9	6,359 10 7½	- -	- -	286,966 19 4½
53,538 9 3	14,426 18 9½	1,046 11 0½	- -	69,011 19 1
4,227 7 3½	- -	- -	- -	4,227 7 3½
845 9 3½	- -	- -	- -	845 9 3½
4,826 14 0½	- -	- -	- -	4,826 14 0½
660 19 11½	- -	- -	- -	660 19 11½
4,048,586 17 8½	60,061 17 3½	1,415 14 4½	126,305 1 1½	4,432,643 6 6½
34,024 16 5½	39 7 10	- -	- -	34,064 4 3½
19,969 18 5	23 14 7½	- -	- -	19,993 13 0½
25,656 15 7½	2 15 4½	- -	- -	25,659 11 0
123,664 19 4½	- -	- -	- -	123,664 19 4½
4,251,903 7 7½	60,127 15 1½	1,415 14 4½	126,305 1 1½	4,636,025 14 3½
152 5 5½	96 10 2½	- -	- -	248 15 8½
11,243 10 9½	2 19 11½	- -	- -	11,246 10 8½
1,956 18 5½	5 14 4½	- -	- -	1,962 12 10
2,501 18 3½	1,361 13 10	- -	- -	3,863 12 1½
2,188 9 2½	- -	- -	- -	2,188 9 2½
25,565 1 3½	724 10 3½	- -	835 16 4	27,125 7 11½
8,895 7 4½	32 12 7½	- -	- -	8,928 0 0½
90 18 0	- -	- -	- -	90 18 0
52,594 8 11	2,224 1 3½	- -	835 16 4	55,654 6 6½
4,304,497 16 6½	62,351 16 5	1,415 14 4½	127,140 17 5½	4,691,680 0 10

NOTE.—The Amount of Treasury Bills issued for the Public Service, between the 5th January, 1819, and the 5th January, 1820, and not redeemed within that period, was £2,000,000 0 0

Whitehall, Treasury Chambers, }
1st May, 1820.

S. R. LUSHINGTON.

TRADE OF THE UNITED KINGDOM.

AN ACCOUNT of the VALUE of all IMPORTS into, and of all EXPORTS from, the United Kingdom of GREAT BRITAIN and IRELAND,

During each of the Three Years ending the 5th of January, 1820, (calculated at the Official Rates of Valuation, and stated exclusive of the Trade between *Great Britain* and *Ireland* reciprocally;) distinguishing the amount of the Produce and Manufactures of the United Kingdom Exported, from the Value of Foreign and Colonial Merchandize Exported;—Also stating the Amount of the Produce and Manufactures of the United Kingdom Exported therefrom, according to the Real and Declared Value thereof.

YEARS ending 5th January.	VALUE of Imports into the United Kingdom, calculated at the Official Rates of Valuation.		VALUE OF EXPORTS FROM THE UNITED KINGDOM, calculated at the Official Rates of Valuation.						VALUE of the Produce and Manufactures of the United Kingdom Exported there from, according to the real and declared Value thereof.	
	£.	s. d.	Produce and Manufactures of the United Kingdom		Foreign and Colonial Merchandize.		TOTAL EXPORTS.		£.	s. d.
1818 - -	30,799,838	3 10	40,085,015	5 7	10,292,684	13 7	50,377,699	19 2	41,761,132	16 10
1819 - -	36,879,000	7 4	42,639,852	18 9	10,859,858	3 6	53,559,711	2 3	46,611,348	9 6
1820 - -	30,775,084	3 1	33,481,836	9 5	9,905,184	11 10	43,387,021	1 3	35,204,564	19 0

Custom-House, London, }
25th March, 1820. }

WILLIAM IRVING.

TRADE OF GREAT BRITAIN.

AN ACCOUNT of the VALUE of all IMPORTS into, and of all EXPORTS from, GREAT BRITAIN,

During each of the Three Years ending the 5th of January, 1820 (calculated at the Official Rates of Valuation, and stated inclusive and exclusive of the Trade with *Ireland*;) distinguishing the Amount of the Produce and Manufactures of the United Kingdom Exported, from the Value of Foreign and Colonial Merchandize Exported:—Also, stating the Amount of the Produce and Manufactures of the United Kingdom Exported from *Great Britain*, according to the Real and Declared Value thereof.

YEARS ending 5th January.	VALUE of Imports into Great Britain, calculated at the Official Rates of Valuation.	VALUE OF EXPORTS FROM GREAT BRITAIN, calculated at the Official Rates of Valuation.						VALUE of the Produce and Manufactures of the United Kingdom Exported from Great Britain, according to the real and declared Value thereof
		Produce and Manufactures of the United Kingdom		Foreign and Colonial Merchandize.		TOTAL EXPORTS.		
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	
Value inclu- sive of the Trade with Ireland.	1818	33,965,232 6 0	41,588,585 11 11	11,534,616 12 11	53,123,202 4 10	43,626,253 14 2		
	1819	40,135,952 0 2	44,564,044 14 10	12,287,274 15 0	56,851,319 9 10	48,903,760 16 1		
	1820	33,625,744 13 2	35,634,415 11 5	11,278,076 17 6	46,912,492 8 11	37,939,506 17 1		
Years ending 5th January.								
Value exclu- sive of the Trade with Ireland.	1818	29,910,502 9 8	39,233,466 19 10	10,269,271 8 9	49,502,738 8 7	40,349,235 6 11		
	1819	35,845,340 0 2	41,963,527 0 9	10,835,800 6 4	52,799,327 7 1	45,188,249 9 0		
	1820	29,681,836 14 7	32,923,574 18 8	9,879,236 0 0	42,802,810 18 8	34,248,435 6 4		

Custom-House, London, }
25th March, 1820. }

WILLIAM IRVING.

Inspector Gen. of the Imports and Exports of Great Britain.

TRADE OF IRELAND.

AN ACCOUNT OF THE VALUE OF ALL IMPORTS INTO, AND OF
ALL EXPORTS FROM, IRELAND,

During each of the Three Years ending the 5th January, 1820, (calculated at the Official Rates of Valuation, and stated inclusive and exclusive of the Trade with *Great Britain*;) distinguishing the Amount of the Produce and Manufactures of the United Kingdom Exported, from the Value of Foreign and Colonial Merchandize Exported;—Also, stating the Amount of the Produce and Manufactures of the United Kingdom Exported from *Ireland*, according to the Value thereof, as computed at the Average Prices Current.

	VALUE of Imports into IRELAND, calculated at the Official Rates of Valuation.	VALUE OF EXPORTS FROM IRELAND, calculated at the Official Rates of Valuation.			VALUE of the Produce and Manufac- tures of the United Kingdom Exported from Ireland as com- puted at the Average Prices Current.
		Produce and Manufactures of the United Kingdom.	Foreign and Colonial Merchandize.	TOTAL EXPORTS.	
Years ending 5th January.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
VALUE inclusive of the Trade with GREAT BRITAIN.	1818 - 5,644,175 16 5½	6,412,892 10 2	150,562 7 10½	6,563,454 18 0½	10,526,325 8 0½
	1819 - 6,098,720 2 7½	6,436,950 14 11½	84,078 9 8½	6,521,029 4 8½	11,776,860 14 9½
	1820 - 6,395,972 17 5½	5,708,582 15 7½	61,882 12 2½	5,770,465 7 10½	9,747,206 1 1½
Years ending 5th January.					
VALUE exclusive of the Trade with GREAT BRITAIN.	1818 - 889,335 14 2½	851,548 5 9	23,413 4 10½	874,961 10 7½	1,411,897 9 11
	1819 - 1,033,660 7 2½	736,325 17 11½	24,057 17 2	760,383 15 1½	1,423,099 0 6½
	1820 - 1,093,247 8 6	558,261 10 9	25,948 11 10½	584,210 2 7½	956,069 12 8

Custom-House, Dublin, } WILLIAM MARRABLE.
5th April, 1820. } Inspector Gen. of the Imports and Exports of Ireland.

NAVIGATION OF THE UNITED KINGDOM.

NEW VESSELS BUILT.

AN ACCOUNT of the Number of VESSELS, with the Amount of their TONNAGE, that were built and registered in the several Ports of the BRITISH EMPIRE, in the Years ending the 5th January, 1818, 1819, and 1820, respectively.

		IN THE YEARS ENDING THE 5TH JANUARY,					
		1818.		1819.		1820.	
		Vessels.	Tonnage.	Vessels.	Tonnage.	Vessels.	Tonnage.
United Kingdom	- -	758	81,263	752	86,748	777	89,091
Isles, Guernsey, Jersey, & Man		8	845	9	316	20	1,381
British Plantations	- -	316	22,321	298	17,302	238	15,453
TOTAL	- -	1,082	104,429	1,059	104,366	1,035	105,925

Custom House, London, }
25th March, 1820. }

WILLIAM IRVING.

VESSELS REGISTERED.

AN ACCOUNT of the Number of VESSELS, with the Amount of their TONNAGE, and the Number of MEN and BOYS usually employed in Navigating the same, that belonged to the several Ports of the BRITISH EMPIRE, on the 30th September, in the Years 1817, 1818 and 1819, respectively.

		On 30th September, 1817.			On 30th September, 1818.			On 30th September, 1819.		
		Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.
United Kingdom		21,290	2,397,665	152,352	21,526	2,426,969	154,891	21,501	2,425,885	155,277
Isles, Guernsey, } Jersey and Man }		485	23,689	3,190	498	25,639	3,595	496	25,712	3,613
British Plantations		3,571	243,632	15,471	3,483	221,860	15,121	3,455	214,799	15,488
TOTAL	- -	25,346	2,664,986	171,013	25,507	2,674,468	173,607	25,482	2,666,396	174,378

Custom House, London, }
25th March, 1820. }

WILLIAM IRVING.

NAVIGATION OF THE UNITED KINGDOM.—*continued.*

VESSELS EMPLOYED IN THE FOREIGN TRADE.

AN ACCOUNT of the Number of VESSELS, with the Amount of their TONNAGE, and the Number of MEN and BOYS employed in Navigating the same (including their repeated Voyages) that entered Inwards and cleared Outwards, at the several Ports of The United Kingdom, from and to all Parts of the World, (exclusive of the Intercourse between GREAT BRITAIN and IRELAND respectively) during each of the Three Years ending 5th January, 1820.

SHIPPING ENTERED INWARDS IN THE UNITED KINGDOM. (exclusive of the Intercourse between Great Britain and Ireland.)									
YEARS ending 5th January.	British and Irish Vessels			Foreign Vessels.			TOTAL.		
	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.
1818 - -	11,255	1,625,121	97,273	3,396	445,011	27,047	14,651	2,070,132	124,320
1819 - -	13,006	1,886,394	111,880	6,230	762,457	43,936	19,236	2,648,851	155,816
1820 - -	12,027	1,817,841	108,012	4,225	543,976	32,699	16,252	2,361,817	140,711

SHIPPING CLEARED OUTWARDS FROM THE UNITED KINGDOM, (exclusive of the Intercourse between Great Britain and Ireland.)									
YEARS ending 5th January,	British and Irish Vessels.			Foreign Vessels.			TOTAL.		
	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.
1818 - -	10,713	1,558,336	97,362	2,905	440,622	25,270	13,618	1,998,958	122,632
1819 - -	11,442	1,715,566	106,610	5,400	734,571	40,181	16,842	2,450,137	146,791
1820 - -	10,197	1,554,089	96,811	3,785	554,749	30,266	13,982	2,108,838	127,077

Custom House, London, }
25th March, 1820. }

WILLIAM IRVING.

An Account, showing how the Public Monies remaining in the Receipt of the Exchequers into the same during the year ended the 5th day of January, 1820, and the Monies paid Receipt; together with the amount of the Exchequer, Navy, and Transport Bills issued, total amount of the Sums applied to the following heads of Service:—1st. The interest cable to its Reduction; the usual Grant for the same purpose; and interest for the Debt Civil Lists of England and Ireland:—4thly. The other Charges on the Consolidated Salaries, and Allowances and Bounties in England; also the other permanent Charges anticipation of the Exchequer Receipt; specifying the Amount of those incurred for the Amount of Monies respectively paid for Salaries to the Admiralty, Navy, and Navy Building of Ships, Stores, Pilotage, and Contingencies; for the Marine; for the Seamen:—8thly. The Ordnance; specifying the Amount of Monies paid for Services at on account of the Ordinary Services; viz. for Regulars, Fencibles, Militia, Invalids, Pay; for Widows Pensions; for Chelsea and Kilmainham Hospitals; for Foreign Corps; paid for the Extraordinary Services of the Army, and the principal articles thereof:—Amount paid to them respectively:—11thly. Issues from Appropriated Funds for Local paid for Services at Home and Abroad respectively:—And lastly, specifying the Amount

HEADS OF EXPENDITURE.		SUMS.					
		£.	s.	d.	£.	s.	d.
I.—For Interest, &c. on the Permanent Debt of the United Kingdom, Unredeemed; including Annuities for Lives and Terms of Years -		29,338,355	1	5½			
For charges of management thereon -		-	-	-	270,460	6	1
For Interest, &c. on Imperial Loans; including Annuities for Lives and Terms of Years -		399,083	13	8			
For charges of management thereon -		-	-	-	3,791	19	9½
For Interest on Portuguese Loan -		10,200	18	2½			
For charges of management thereon -		-	-	-	140	15	0½
There was also applied towards the Reduction of the National Debt -		29,737,639	8	4	274,393	2	10½
The usual Grant -		£1,108,876	14	2½			
Annuities for Terms of Years, and Lives expired -		200,000	0	0			
Do. on Lives unclaimed for three Years, before 5th January, 1819. 31,005		167,978	7	0½			
Do. on Lives unclaimed for three years and upwards, at 5th January, 1819. -		2,412	3	6			
Per Centage on Loans raised from 1813 to 1819, both inclusive, per Act 53 Geo. III, c. 35 -		33,417	15	6			
Annual Appropriation for the Redemption of £12,000,000, Part of £14,200,000 Loan, 1807 -		3,230,323	11	0			
Interest on Capitals transferred for Life Annuities -		626,255	10	4			
Long Annuities transferred for do. -		152,003	16	8			
Interest on Debt of the United Kingdom, Redeemed -		7,224	10	0			
Do. on Imperial Debt, Redeemed -		3,264,945	4	3½			
Do. on Debt of Portugal, do. -		65,995	6	4			
Interest at £.1 per cent. on part of Capitals created since 5th January, 1793, -		16,665	0	3			
Do. on outstanding Exchequer Bills -		6,920,962	2	9			
Do. on advances for constructing a Harbour Eastward of Dunleary, per Act 56 Geo. III, cap. 62 -		507,211	10	9			
Returned from Account of Life Annuities, the Nominees having died prior to their being set apart for Payment -		-	-	-			
Fourth part of a Legacy bequeathed by the late Admiral Peter Rainier, to the use of the Sinking Fund -		3,544	0	3			
		187	9	9			
		£16,305,590	19	1½			
There has been applied towards the Redemption of the Debt created in respect of £2,500,000, borrowed for the East India Company in 1812, the Amount paid by the Company into the Bank, in pursuance of the Act 52 Geo. III, c. 135 -		150,376	7	6			
					16,455,967	6	7½
Whereof was applied, towards the Reduction of the National Debt -					46,193,606	14	11½
					16,455,967	6	7½
TOTAL on account of Interest -					29,737,639	8	4
Do. Charges of Management -					274,393	2	10½
Do. Reduction of the National Debt -					16,455,967	6	7½
II.—The Interest on Exchequer Bills, & Irish Treasury Bills -							46,467,999 17 10
Carried forward -							779,992 3 5½
							£47,247,992 1 3½

of the United Kingdom, on the 5th day of January, 1819, together with the Monies paid out of the Net Produce of the Revenues of the said year in anticipation of the Exchequer and not redeemed, during the said year; *have been actually applied*: distinguishing the of the Public Funded Debt, together with the Charges of Management; the Sums applied upon Imperial and Portuguese Loans:—2dly. The Interest on Exchequer Bills:—3dly. The Fund; specifying the Amount of those incurred for Courts of Justice, Mint, Pensions, in Ireland:—5thly. The Civil Government of Scotland:—6thly. The other Payments in Pensions, Bounties, and Militia and Deserters Warrants:—7thly. The Navy; specifying Pay Offices; for Wages, Bounty, Flag Pay, Half Pay, and Pensions; for Dock Yards, Victualling; for Transports; for Prisoners of War in Health; and for Sick and Wounded Home and Abroad respectively:—9thly. The Army; specifying the Amount of Monies paid and Volunteer Corps; for Barracks; for Staff Officers, and Officers of Garrisons; for Half for Exchequer Fees; and for Pay of Public Offices; specifying also the Amount of Monies 10thly. Loans, Remittances, and Advances to other Countries; specifying the Total Purposes in Ireland:—12thly. Miscellaneous Services; specifying the Amount of Monies of any Public Monies applied to other Public Services (if any) not hereinbefore enumerated.

HEADS OF EXPENDITURE.			SUMS.		
			£.	s.	d.
Brought forward	-	-	-	-	47,247,992 1 34
III.—The Civil Lists of { England	-	-	983,000 0 0		
{ Ireland	-	-	198,056 10 10½		
				1,181,056 10 10½	
IV.—The other Charges on the Consolidated Fund.					
Courts of Justice - in England	-	-	63,156 16 6		
Mint	-	-	15,000 0 0		
Allowances to the Royal Family, Pensions, &c.	-	-	472,233 14 2		
Salaries and Allowances	-	-	58,755 10 0½		
Bounties	-	-	6,541 0 0		
Miscellaneous	-	-	372,832 17 4		
				988,519 18 0½	
Permanent Charges - in Ireland	-	-	-	369,089 14 8½	
					2,538,666 3 8
V.—The Civil Government of Scotland	-	-	-	-	129,988 5 5½
VI.—The other Payments in anticipation of the Exchequer Receipts; viz.					
Bounties for Fisheries, Manufactures, { Customs	-	-	245,216 11 1½		
Corn, &c. - { Excise	-	-	68,716 8 9		
				313,932 19 10½	
Pensions on the Hereditary Revenue { Excise	-	-	14,000 0 0		
{ Post Office	-	-	13,700 0 0		
				27,700 0 0	
Militia and Deserters Warrants, &c. - Excise and Taxes	-	-	47,534 1 2½		
					389,167 1 1
VII.—The Navy; viz.					
Wages	-	-	2,281,000 0 0		
General Services	-	-	2,949,728 6 1		
				5,230,728 6 1	
The Victualling Department	-	-	1,164,824 12 7		
					6,395,552 18 8
VIII.—The Ordnance	-	-	-	-	1,538,209 3 10½
IX.—The Army; viz.					
Ordinary Services	-	-	7,719,924 3 9½		
Extraordinary Services	-	-	1,730,726 10 1½		
					9,450,650 13 10½
X.—Loans, Remittances, and Advances to other Countries	-	-	-	-	-
XI.—Issues from Appropriated Funds, for Local Purposes	-	-	-	-	53,101 1 1
XII.—Miscellaneous Services:					
At Home	-	-	1,595,207 2 11½		
Abroad	-	-	260,741 9 2½		
					1,855,948 12 1½
Total	-	-	£	69,599,276 1 1½	
Deduct, Sinking Fund on Loan to the East India Company	-	-	-	150,376 7 6	
					£69,448,899 13 7½

* This includes the Sum of £.495,563 19 9½ for Interest, Management, and Sinking Fund on Imperial Loan. and £. 57,006 8 5½ - - - - - Portuguese Loan.

Whitehall, Treasury Chambers, }
27th April, 1820. }

C. ARBUTHNOT.

An Account of the Public Funded Debt of the United Kingdom, payable in Great ascertained:--Distinguishing the different Funds in which the same is Invested; Terms of Years;—Charges of Management; the Annual and other Sums Acts of Parliament; and the Total Annual Expense;—Distinguishing also are Redeemable and Determinable. To which is added, the Amount of Loans Great Britain.

BY WHAT ACTS CREATED.	Capitals.—At 3 per Centum per Annum.							
	Bank of England Annuities A ^o . 1726	South Sea Old & New Annuities Anno 1751.			Consolidated Annuities		Reduced Annuities.	
GREAT BRITAIN.	£.	£.	s.	d.	£.	s.	d.	£.
4 & 5, and 5 & 6 William and Mary	—	—	—	—	—	—	—	—
5 & 6 ditto	—	—	—	—	—	—	—	—
20 Geo. II.	—	—	—	—	—	—	—	—
EXCHEQUER 21 Ditto	—	—	—	—	—	—	—	—
ANNUITIES. 32 Ditto	—	—	—	—	—	—	—	—
6 Geo. III.	—	—	—	—	—	—	—	—
18 Ditto	—	—	—	—	—	—	—	—
19 Ditto	—	—	—	—	—	—	—	—
29 Ditto	—	—	—	—	—	—	—	—
Bank of England.—3 & 8 Geo. I & II.	—	—	—	—	—	—	—	—
17, 19, 20, & 56 Geo. III.	14,686,800	—	—	—	—	—	—	—
South Sea Company—9 Geo. I.	—	20,071,084	13	11½	—	—	—	—
Chief Cashier of the South Sea Company—26 Geo. I.	—	966,600	0	0	—	—	—	—
Chief Cashier of the Bank of England—12 Geo. I.	—	—	—	—	{ A ^o 1726,	—	—	—
By sundry Acts prior to 57 Geo. III.	—	—	—	—	{ 1,000,000	0	0	—
(1st February, 1817) after deducting £.470 £.3 per Cent. Consols.	—	—	—	—	—	—	—	—
£.1,600 £.3 per Cent. Red. and	—	—	—	—	—	—	—	—
£.600 £.5 per Cent. the Amount of Stock which would have been created by £.2,000 Omnium, 1814, forfeited	—	—	—	—	415,566,778	4	0½	207,416,867
Annual sums payable to the Commissioners for the Reduction of the National Debt	—	—	—	—	—	—	—	—
Annuities for 10 Years 1777, fallen in	—	—	—	—	—	—	—	—
Ditto per Act 56 Geo. III.	—	—	—	—	—	—	—	—
Ditto 42 Ditto	—	—	—	—	—	—	—	—
By Act 53 Geo. III. Cap. 35, being Half the Interest of Sums raised pro Annis 1813 and 1814, which exceeded £.13,013,914, the estimated sum applicable to Reduction of Debt, at 1st. February, 1813	—	—	—	—	—	—	—	—
By Ditto pro Anno 1814, which exceeded £11,330,452. Ditto 1st of February, 1814.	—	—	—	—	—	—	—	—
By Ditto, pro Anno 1815, which exceeded £.11,324,760. Ditto 1st of February, 1815	—	—	—	—	—	—	—	—
By Ditto, pro Anno 1818, which exceeded £.14,454,084. Ditto 1st of February, 1818	—	—	—	—	—	—	—	—
By Ditto, pro Anno 1819, which exceeded £.15,666,797. Ditto 1st of February, 1819	—	—	—	—	—	—	—	—
By Act 59 Geo. III. cap. 111, £.1 per Cent. per Annum, on Outstanding Exchequer Bills	—	—	—	—	—	—	—	—
£.	14,686,800	21,037,684	13	11½	416,566,778	4	0½	207,416,867
Deduct Stock transferred in the Year ended 5th January, 1820, to the Commissioners, on account of Land Tax redeemed	—	—	—	—	96,419	6	11	37,805
	—	—	—	—	416,470,358	17	1½	207,379,061
Ditto remaining in the Names of Commissioners for the Reduction of the National Debt	—	7,915,100	0	0	42,322,219	19	3	70,810,497
	—	13,122,584	13	11½	374,148,138	17	10½	136,568,564
Transferred for Purchase of Life Annuities	—	—	—	—	3,366,836	0	0	1,814,615
	14,686,800	13,122,584	13	11½	370,781,302	17	10½	134,753,949

An Account (*Continued*) of the Public Funded Debt of the United Kingdom, far as the same can be ascertained;—Distinguishing the different Funds in interest;—Annuities for Lives or Terms of Years;—Charges of Management; of the National Debt, by sundry Acts of Parliament; and the Total Annual several Parts of the Public Debt are Redeemable and Determinable. To which Regent of Portugal, payable in Great Britain.

BY WHAT ACTS CREATED.		Total Capitals.	Annual Interest.	Annuities for Lives, or for Terms of Years.
GREAT BRITAIN.		£. s. d.	£. s. d.	£. s. d.
EXCHEQUER ANNUITIES:	4 & 5 and 5 & 6 William and Mary - - - - -	- - -	- - -	- - -
	5 & 6 ditto - - - - -	- - -	- - -	8,195 12 0
	20 Geo. II - - - - -	- - -	- - -	6,420 10 0
	21 Ditto - - - - -	- - -	- - -	11,510 10 0
	32 Ditto - - - - -	- - -	- - -	10,068 0 0
	6 Geo. III - - - - -	- - -	- - -	540 0 0
	18 Ditto - - - - -	- - -	- - -	1,553 0 0
	19 Ditto - - - - -	- - -	- - -	3,105 10 0
	29 Ditto - - - - -	- - -	- - -	18,847 4 11½
	Bank of England.—3 & 8 Geo. I & II. 17, 19, 20, & 56 Geo. III - - - - -	14,686,800 0 0	440,604 0 0	- - -
South Sea Company—9 Geo. I - - - - -		20,071,084 13 11½	602,132 10 9½	- - -
Chief Cashier of the South Sea Company—26 Geo. I - - - - -		966,600 0 0	28,998 0 0	- - -
Chief Cashier of the Bank of England—12 Geo. I - - - - -		1,000,000 0 0	30,000 0 0	- - -
By sundry Acts prior to 57 Geo. III. (1st February, 1817) after deducting £.470. £3 per Cent. Consols., £.1,600 £3 per Cent. Red., and £.600 £5 per Cent., the Amount of Stock which would have been created by £.2,000 Omnium, 1814, forfeited - - -		858,224,866 17 11½	29,359,524 16 1	1,349,435 18 8½
Annual Sums payable to the Commissioners for the Reduction of the National Debt		- - -	- - -	- - -
Annuities for 10 Years, 1777, fallen in - - -		- - -	- - -	- - -
Ditto per Act 56 Geo. III - - - - -		- - -	- - -	- - -
Ditto 42 Ditto - - - - -		- - -	- - -	- - -
By Act 53 Geo. III Cap. 35, being Half the Interest of Sums raised pro Annis 1813 and 1814, which exceeded £.13,013,914, the estimated Sum applicable to Reduction of Debt, at 1st February, 1813 - - -		- - -	- - -	- - -
By Ditto pro Anno 1814, which exceeded £.11,330,452. Ditto 1st of February, 1814 - - -		- - -	- - -	- - -
By Ditto pro Anno 1815, which exceeded £.11,324,760. Ditto 1st of February, 1815 - - -		- - -	- - -	- - -
By Ditto pro Anno 1818, which exceeded £.14,454,084. Ditto 1st of February, 1818 - - -		- - -	- - -	- - -
By Ditto pro Anno 1819, which exceeded £.15,666,797. Ditto 1st of February, 1819 - - -		- - -	- - -	- - -
By Act 59 Geo. III, Cap. 111, £.1 per Cent. per Annum, on Outstanding Exchequer Bills - - -		- - -	- - -	- - -
Deduct Stock transferred in the Year ended 5th January, 1820, to the Commissioners, on Account of Land Tax redeemed - - -		894,949,351 11 10½	30,461,259 6 10½	1,419,676 5 7½
Ditto remaining in the Names of Commissioners for the Reduction of the National Debt - - - - -		134,224 17 9	4,026 14 11	- - -
Transferred for Purchase of Life Annuities - - -		894,815,126 14 1½	30,457,232 11 11½	- - -
Amount of National Debt of Great Britain		124,849,675 8 5	3,765,052 16 1½	583 8 4
Deduct Amount of Stock due to the Bank of England and South Sea Company - - -		769,965,451 5 8½	26,692,179 15 10½	1,419,092 17 3½
Amount of Long Annuities at 25 Years Purchase - - - - -		5,277,386 0 0	159,978 10 4½	7,759 0 0
£. 770,656,018 6 11½		764,688,065 5 8½	26,532,201 5 5½	1,411,333 17 3½
Amount of National Debt of Great Britain		764,688,065 5 8½	- - -	- - -
Deduct Amount of Stock due to the Bank of England and South Sea Company - - -		27,809,384 13 11½	- - -	- - -
Amount of Long Annuities at 25 Years Purchase - - - - -		736,878,680 11 9½	- - -	- - -
£. 33,777,337 15 2½		- - -	- - -	- - -
£. 770,656,018 6 11½		- - -	- - -	- - -

payable in Great Britain, as the same stood on the 5th day of January, 1820, so which the same is invested;—the Capital Stock of each Fund;—the Annual In—
—the Annual and other Sums payable to the Commissioners for the Reduction
Expense;—Distinguishing also upon what Conditions, and at what Periods, the
is added, the Amount of Loans to the Emperor of Germany, and Prince

Charges of Management.	Annual or other Sums payable to the Commissioners of the National Debt, by sundry Acts of Parliament.	TOTAL OF ANNUAL EXPENSE.	Conditions of Redemption, or Periods of Determination.
£. s. d.	£. s. d.	£. s. d.	
- -	54,880 14 6	54,880 14 6	Expired Anno 1792.
- -	- -	8,195 12 0	
- -	4,039 0 0	10,459 10 0	
- -	7,552 0 0	19,062 10 0	The following Sums being transferred from Great Britain to Ireland, are deducted from the Funded Debt of Great Britain, and added to the Funded Debt of Ireland, viz:
- -	8,405 17 6	18,473 17 6	£.3 per Cent. Consols. £.880,148 16 7
- -	- -	540 0 0	£.3½ per Cents - - - 4,426,103 16 1
- -	356 13 0	1,909 13 0	£.5 per Cents. - - - 130,123 6 11
- -	1,127 15 7	4,233 5 7	
- -	- -	18,847 4 11½	
5,898 3 5	- -	446,502 3 5	
11,684 19 0	- -	613,827 9 9½	
449 15 6	- -	29,447 15 6	
- -	- -	30,000 0 0	Redeemable by the Commissioners for the Reduction of the National Debt, or at Par: the Long Annuities, if not Redeemed, will expire Anno 1860.
- -	8,113,369 9 9	38,832,330 4 6½	
- -	25,000 0 0	25,000 0 0	
- -	1,000,000 0 0	1,000,000 0 0	
- -	200,000 0 0	200,000 0 0	
256,163 17 4½	- -	256,163 17 4½	*See below.
- -	1,195,821 13 0	1,195,821 13 0	
- -	165,078 16 10	165,078 16 10	
- -	957,668 0 10	957,668 0 10	
- -	245,911 19 7	245,911 19 7	
- -	178,663 17 5½	178,663 17 5½	
- -	430,000 0 0	430,000 0 0	
274,206 15 3½	12,587,875 18 0½	44,743,018 5 10½	
- -	- -	4,026 14 11	
- -	- -	44,738,991 10 11½	
- -	3,765,636 4 5½	- -	
- -	16,353,512 2 5½	- -	
- -	167,737 10 4½	- -	
274,206 15 3½	16,521,249 12 10½	44,738,991 10 11½	CHARGE OF THE DEBT of the UNITED KINGDOM, payable in England.

Management of Life Annuities, on the Capital of £5,277,386, payable
at the Bank of England - - - - - 1,185 17 5½
Ditto at the Exchequer, on £594,529,820 8 7 at £.340 per Million 202,140 2 9
Ditto - - - - - 176,126,197 18 4½ at £.350 per Million 52,837 17 2
£.770,656,018 6 11½ - - - - - £.256,163 17 4½ *See above.

(Continued.)

An Account (*Continued*) of the Public Funded Debt of the United Kingdom, far as the same can be ascertained:—Distinguishing the different Funds in Interest;—Annuities for Lives or Terms of Years;—Charges of Management of the National Debt, by sundry Acts of Parliament; and the Total Periods, the several Parts of the Public Debt are Redeemable and Determined Prince Regent of Portugal, payable in Great Britain.

BY WHAT ACTS CREATED.	Capitals at 3 per Centum per Annum.			
	Bank of England Annuities A ^o 1726.	South Sea Old and New Annuities Anno 1751.	Consolidated Annuities.	Reduced Annuities.
<i>Ireland.</i>	£.	£. s. d.	£. s. d.	£. s. d.
By sundry Acts of Parliament -	—	—	—	—
Annual Grants, per Act 57 Geo. III. -	—	—	—	—
Terminable Annuities expired -	—	—	—	—
Deduct Stock remaining in the hands of the Commissioners for the Reduction of the National Debt	—	—	—	—
<i>Loans to the Emperor of Germany.</i>				
By Acts 35 & 37 Geo. III. -	—	—	7,502,633 6 8	—
In the hands of the Commissioners for Reduction of National Debt -	—	—	2,320,829 3 0	—
	—	—	5,181,804 3 8	—
<i>Loans to the Prince Regent of Portugal.</i>				
By Act 49 Geo. III. -	—	—	—	895,522 7 9
In the hands of the Commissioners for Reduction of National Debt -	—	—	—	607,147 0 0
	—	—	—	288,375 7 9
TOTAL DEBT of the UNITED KINGDOM				
payable in Great Britain -	14,686,800	21,037,684 13 11½	416,470,358 17 14	207,379,061 11 4
Ditto payable in Ireland -	—	—	—	—
Total Loans to the Emperor of Germany, payable in Great Britain -	—	—	7,502,633 6 8	—
Ditto Ditto to the Prince Regent of Portugal, payable in Great Britain	—	—	—	895,522 7 9
In the Names of the Commissioners of the National Debt -	14,686,800	21,037,684 13 11½	423,972,992 3 9½	208,274,583 19 1
	—	7,915,100 0 0	44,643,049 2 3	71,417,644 10 2
Transferred to Commissioners for Purchase of Life Annuities, per Act 48 Geo. III. cap. 142. -	14,686,800	13,122,584 13 11½	379,329,943 1 6½	136,856,939 8 11
	—	—	3,366,836 0 0	1,814,615 0 0
	14,686,800	13,122,584 13 11½	375,963,107 1 6½	135,042,324 8 11

In the Year ended 5th January, 1820, the following Sums being transferred from Great Britain to Ireland, are deducted from the Funded Debt of Great Britain, and added to the Funded Debt of Ireland; viz.

	£	s.	d.
£3 per Cent. Consols. -	—	375	0 0
£3 10 per Cent. Annuities -	—	2,510,677	8 4
£5 per Cent. Ditto -	—	59,023	6 11

The following Sums being transferred in the Year ended 5th January, 1820, to Ireland from Great Britain, are an addition to the Funded Debt of Ireland, and deducted from the Funded Debt of Great Britain; viz.

	£	s.	d.
£3 10 per Cent. Annuities -	—	2,510,995	3 5½
£5 per Cent. Ditto -	—	59,023	6 11

payable in Great Britain, as the same stood on the 5th day of January, 1820, so which the same is Invested ;—the Capital Stock of each Fund ;—the Annual ment ;—the Annual and other Sums payable to the Commissioners for the Reduction of the Annual Expense :—Distinguishing, also, upon what Conditions, and at what minable. To which is added, the Amount of Loans to the Emperor of Germany,

Capital at £3. 10. Per Centum. per Annum.	Consolidated £4. Per Cents.	Capitals at £5. per Centum.		
		Consolidated Annuities.	Annuities Annis 1797 & 1802.	Formerly paid by Ireland, and now payable in Great Britain.
£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
19,164,273 6 12	789,784 12 34	11,215,436 18 3	- - -	- - -
- - -	- - -	- - -	- - -	- - -
19,164,273 6 12	789,784 12 34	11,215,436 18 3	- - -	- - -
6,183,919 6 94	163,338 9 23	- - -	- - -	- - -
12,980,353 19 44	626,446 3 04	11,215,436 18 3	- - -	- - -
- - -	- - -	- - -	- - -	- - -
- - -	- - -	- - -	- - -	- - -
- - -	- - -	- - -	- - -	- - -
- - -	- - -	- - -	- - -	- - -
22,845,896 3 11	74,935,719 2 2	134,900,057 9 7	1,021,968 12 4	1,537,580 3 9
19,164,273 6 12	789,784 12 34	11,215,436 18 3	- - -	- - -
- - -	- - -	- - -	- - -	- - -
- - -	- - -	- - -	- - -	- - -
42,010,169 10 04	75,725,503 14 54	146,115,494 7 10	1,021,963 12 4	1,537,580 3 9
9,934,719 6 94	184,599 16 42	23,334 2 6	6,462 9 4	- - -
32,075,450 3 34	75,540,903 18 04	146,092,160 5 4	1,015,506 3 0	1,537,580 3 9
- - -	26,176 0 0	69,759 0 0	- - -	- - -
32,075,450 3 34	75,514,727 18 04	146,022,401 5 4	1,015,506 3 0	1,537,580 3 9

By an Account transmitted from the Commissioners for the Reduction of the National Debt, in the Amount of Stock standing in their Names, are included the following Capitals and Long Annuities, the Dividends upon which have remained unclaimed for 10 years and upwards, per Act 56 Geo. III. c. 60.

£3 per Cent. Consols.	-	139,905 18 3
Do. - Reduced	-	47,703 10 2
Do. - Anno 1726,	-	299 1 0
£4 per Cent. Consols.	-	21,261 7 2
£5 per Cent. Do.	-	19,834 2 6
Do. - 1797 & 1802	-	6,462 9 4
Imperial Annuities	-	350 3 0

Also the following Long Annuities ;

Of Great Britain - - - £583 8 4 per Annum.

And also the following Capital, which has been purchased with Unclaimed Dividends : viz.

£3 per Cent. Reduced - - £394,000 0 0

And all which Capital Sums are subject to the Claims of the Parties entitled thereto.

(Continued.)

An Account (*Continued*) of the Public Funded Debt of the United Kingdom, far as the same can be ascertained;—Distinguishing the different Funds in interest;—Annuities for Lives or Terms of Years;—Charges of Management; of the National Debt, by sundry Acts of Parliament; and the Total Annual several Parts of the Public Debt are Redeemable and Determinable. To which Regent of Portugal, payable in Great Britain.

BY WHAT ACTS CREATED.	Total Capitals.	Annual Interest.	Annuities for Lives, or for Terms of Years.
<i>Ireland.</i>	<i>£. s. d.</i>	<i>£. s. d.</i>	<i>£. s. d.</i>
By sundry Acts of Parliament - -	31,169,494 16 8	1,263,112 15 10½	43,908 18 5¾
Annual Grants, per Act 57 Geo. III -	- -	- -	- -
Terminable Annuities expired - -	- -	- -	- -
	31,169,494 16 8	1,263,112 15 10½	43,908 18 5¾
Deduct Stock remaining in the hands of the Commissioners for the Re- duction of the National Debt -	6,347,257 16 0	222,970 14 3½	- -
	24,822,237 0 8	1,040,142 1 7	43,908 18 5¾
<i>Loans to the Emperor of Germany.</i>			
By Acts 35 and 37 Geo. III. - - -	7,502,633 6 8	225,079 0 0	- -
In the hands of the Commissioners for Reduction of National Debt -	2,320,829 3 0	69,624 17 5¾	- -
	5,181,804 3 8	155,454 2 6¾	- -
	£ 5,181,804 3 8	Charged with Management at the	
<i>Loans to the Prince Regent of Portugal.</i>			
By Act 49 Geo. III - - - -	895,522 7 9	26,865 13 5¼	- -
In the hands of the Commissioners for Reduction of National Debt -	607,147 0 0	18,214 8 2	- -
	288,375 7 9	8,651 5 3¼	- -
	£ 288,375 7 9	Charged with Management at the	
TOTAL DEBT of the UNITED KINGDOM, payable in Great Britain -	894,815,126 14 1¾	30,457,232 11 11¾	1,419,676 5 7¾
Ditto payable in Ireland -	31,169,494 16 8	1,263,112 15 10½	43,908 18 5¾
Total Loans to the Emperor of Ger- many, payable in Great Britain -	7,502,633 6 8	225,079 0 0	- -
Ditto Ditto to the Prince Regent of Portugal, payable in Great Britain -	895,522 7 9	26,865 13 5¼	- -
	934,382,777 5 2¾	31,972,290 1 3¼	1,463,585 4 1½
In the names of the Commissioners of the National Debt - - -	134,124,909 7 5	4,075,862 16 0½	583 8 4
	800,257,867 17 9¾	27,896,427 5 2¾	1,463,001 15 9½
Transferred to Commissioners for Pur- chase of Life Annuities, per Act 48 Geo. III, cap. 142 - - - -	5,277,386 0 0	159,978 10 4½	7,759 0 0
	£ 794,980,481 17 9¾	27,736,448 14 10¼	1,455,242 15 9½

payable in Great Britain, as the same stood on the 5th day of January, 1820, so which the same is Invested;—the Capital Stock of each Fund;—the Annual In—
—the Annual and other Sums payable to the Commissioners for the Reduction
Expense;—Distinguishing also upon what Conditions, and at what Periods, the
is added, the Amount of Loans to the Emperor of Germany, and Prince

Charges of Management.	Annual or other Sums payable to the Commissioners of the National Debt, by sundry Acts of Parliament.	TOTAL OF ANNUAL EXPENSE.	Conditions of Redemption or Periods of Determination.
£. s. d.	£. s. d.	£. s. d.	
- -	280,480 8 8	1,587,502 3 0	
- -	62,445 5 7	62,445 5 7	
- -	66,616 6 6	66,616 6 6	
1,015 2 5	- -	1,015 2 5	
1,015 2 5	409,542 0 9	1,717,578 17 6	
- -	222,970 14 3¼	-	
1,015 2 5	632,512 15 0¼	1,717,578 17 6	
- -	36,693 0 0	261,772 0 0	
† 1,761 16 3	- -	1,761 16 3	† See below.
- -	69,624 17 5¼	-	
1,761 16 3	106,317 17 5¼	263,533 16 3	{ Charge for Germany, payable in Great Britain.
rate of £.340 per Million	- £.	1,761 16 3	† See above.
- -	30,000 0 0	56,865 13 5¼	
† 98 0 11¼	- -	98 0 11¼	† See below.
- -	18,214 8 2	-	
98 0 11¼	48,214 8 2	56,963 14 4½	{ Charge for Portugal, payable in Great Britain.
rate of £.340 per Million	- £.	98 0 11¼	† See above.
274,206 15 3½	12,587,875 18 0¼	44,738,991 10 11¼	
1,015 2 5	409,542 0 9	1,717,578 17 6	
1,761 16 3	36,693 0 0	263,533 16 3	
98 0 11¼	30,000 0 0	56,963 14 4½	
277,081 14 10¾	13,064,110 18 9¼	46,777,067 19 0¾	
- -	4,076,446 4 4½	-	
277,081 14 10¾	17,140,557 3 1¾	46,777,067 19 0¾	
- -	167,737 10 4½	-	
277,081 14 10¾	17,308,294 13 6¼	46,777,067 19 0¾	
Add - -	30,377 15 9	Annuities payable at the Exchequer, Unclaimed for Three Years, at 5th January, 1820.	
Deduct -	17,338,672 9 3¼	Life Annuities payable at the Bank of England.	
	351,275 8 0	Amount applicable to the Reduction of Debt of the United Kingdom.	
	16,987,397 1 3¼		

An Account of the Progress made in the Redemption of the Public Funded Debt of the United Kingdom Funds, and specifying how much of each has been Redeemed by the Commissioners for the Reduction annually applicable to the Reduction thereof: likewise, the Annuities to fall in; and, also, the Capital

FUNDS.	CAPITALS.	Long Annuities at the Bank of England.	Transferred to, or Redeemed by the Commissioners from 1st Aug. 1786 to 5th Jan. 1820.	Total Sums Paid.	Average Price of Stock
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	
Consolidated £3 per Ct. Annuities -	509,207,744 7 10½	- - -	121,591,607 0 0	78,875,867 6 11	64½
Reduced - Do. - - -	378,131,452 0 1	- - -	229,807,860 0 0	146,438,142 14 3	83½
£3½ per Cent. Annuities - - -	22,845,896 3 11	- - -	3,750,800 0 0	3,147,287 15 0	80½
South-Sea Stock.					
Old South Sea Annuities, and } -	24,065,084 13 11½	Old	6,698,600 0 0	4,598,133 9 6	68½
New Do. Do. - - -	- - -	New	5,043,500 0 0	3,505,581 6 9	69½
£3 per Cent. Anno 1751 - - -	1,919,600 0 0	- - -	1,120,000 0 0	789,234 5 0	70½
Consolidated £4 per Cent. Annuities	82,732,119 2 2	- - -	7,796,400 0 0	6,586,934 8 9	84½
Do. - £5 Do. - Do. - - -	135,042,057 9 7	- - -	145,500 0 0	130,113 7 6	89½
£5 per Ct. Annuities, Annis 1797 and 1802 - - -	1,021,968 12 4	- - -	- - -	- - -	- - -
£3 per Ct. - Anno 1726 - - -	1,000,000 0 0	- - -	- - -	- - -	- - -
Do. - Bank Annuities - - -	14,686,800 0 0	- - -	- - -	- - -	- - -
Consolidated Long Annuities - - -	- - -	1,359,435 18 8½	- - -	- - -	- - -
£5 per Cent. Annuities formerly paid by Ireland - - -	1,717,876 13 1	- - -	180,296 9 4	155,334 10 3	86½
			376,134,563 9 4	244,226,629 3 11	
Consolidated £3 per Cent. - - -	- - -	- - -	130,905 18 3	- - -	- - -
Reduced - Do. - - -	- - -	- - -	47,703 10 2	- - -	- - -
£3 per Ct. Annuities, Anno 1726. - - -	- - -	- - -	299 1 0	- - -	- - -
Consolidated £4 per Cents. - - -	- - -	- - -	21,261 7 2	- - -	- - -
Navy £5 per Cents. - - -	- - -	- - -	19,834 2 6	- - -	- - -
£5 per Cents. 1797 and 1802 - - -	- - -	- - -	6,462 9 4	- - -	- - -
Reduced Annuities purchased with Unclaimed Dividends - - -	- - -	- - -	394,000 0 0	- - -	- - -
Consolidated Do. Do. - - -	- - -	- - -	4,800 0 0	- - -	- - -
	£. 1,172,370,599 2 11½	1,359,435 18 8½	376,768,829 17 9		
Transferred to Commissioners, on account of Land Tax Redeemed, at 5th January, 1820 - - -	25,636,317 19 6	- - -	- - -	- - -	- - -
	1,146,734,281 3 5½	- - -	- - -	- - -	- - -
Ditto for Purchase of Life Annuities, per Act 48 Geo. III. - - -	5,277,386 0 0	7,759 0 0	- - -	- - -	- - -
	1,141,456,895 3 5½	1,351,676 18 8½	- - -	- - -	- - -
Redeemed by the Commissioners, including Capitals the Dividends upon which have not been claimed for 10 Years and upwards - - -	376,768,829 17 9	583 8 4	- - -	- - -	- - -
Unredeemed Debt of the United Kingdom, payable in Great Britain, at 5th January, 1820. - - -	764,688,065 5 8½	1,351,093 10 4½	- - -	- - -	- - -
Note. — The Unredeemed Debt of £764,688,065 5s. 8½d. includes £34,344,000 created Anno 1819; and the Capital Redeemed of £376,768,829 17s. 9d. includes £17,152,000, being the amount of Capital obtained for the Sinking Fund Loan of £12,000,000, Anno 1819.					
..... An Account of the Progress made in the Redemption					
Imperial £3 per Cent Annuities -	7,502,633 6 8	- - -	2,320,479 0 0	1,457,327 19 3	63½
Redeemed by the Commissioners, including Capital transferred to them, the Dividends on which have not been claimed for 10 years and upwards - - -	2,320,829 3 0	- - -	350 3 0	- - -	- - -
Debt Unredeemed at 5th Jan. 1820. £	5,181,804 3 8	- - -	2,320,829 3 0	- - -	- - -
..... An Account of the Progress made in the Redemption					
Reduced £3 Per Cent Annuities -	895,522 7 9	- - -	607,147 0 0	401,053 8 6	66
Redeemed by the Commissioners -	607,147 0 0	- - -	- - -	- - -	- - -
Debt Unredeemed at 5th Jan. 1820. £	288,375 7 9	- - -	- - -	- - -	- - -
..... An Account of the Progress made in the Redemption of the Funded Debt of Ireland					
£3 10s. per Ct. Debentures and Stock	21,224,501 12 3½	Terminable & Life Annuities.	8,244,147 12 11½	6,487,999 1 11½	79½
£4 per Cents - - - - -	1,061,630 15 4½	- - -	435,184 12 3½	385,623 16 5½	82½
£5 per Cents - - - - -	12,754,346 4 10½	110,525 4 11½	1,538,909 6 7½	1,382,187 1 1½	89½
Redeemed by the Commissioners	35,040,478 12 6½	110,525 4 11½	10,218,241 11 10½	8,255,809 19 7½	- - -
Deduct Annuities expired - - -	10,218,241 11 10½	66,616 6 6	- - -	- - -	- - -
Debt Unredeemed at 5th Jan. 1820. £	24,822,237 0 8½	43,908 18 5½	- - -	- - -	- - -

Exchequer, the 3rd day of May, 1820.

WM. ROSE HAWORTH.

payable in Great Britain, at the 5th of January, 1820;—Distinguishing the Capitals of the several
 tions of the National Debt since the 1st of August, 1786; the Average Price of Stocks; and the Sums
 of Debt transferred to the said Commissioners on Account of Land Tax Redeemed.

SUMS Annually applicable to the Redemption of the NATIONAL DEBT.			ANNUITIES, Fallen in since 22d June, 1802, or that will fall in hereafter.		
	£.	s. d.		£.	s. d.
Annual Charge, per Act 26 Geo. III. - - - - -	1,000,000	0 0			
Ditto - - - 42 Do. - - - - -	200,000	0 0			
Ditto - - per Act 59 Geo. III. c. 133, being £1 per Cent. on Exchequer Bills, Outstanding, at 5th Janu- ary, 1819 - - - - -	430,000	0 0	Exchequer Annuities, 2 & 3 Anne: Expired 5 April, 1803	23,369	13 4
Annuities for 99 and 96 Years, Expired Anno 1792 - -	54,880	14 6	Ditto, - - 5 Jan. 1805	7,030	6 8
Ditto - - 10 Years - - - - - 1787 - - - - -	25,000	0 0	Ditto, 4 Anne, - 5 April, -	23,254	11 6
Exchequer Annuities unclaimed for 3 Years, at 5 Jan 1820 Data, of which Nominees shall have died prior to 5th July, 1802 - - - - -	30,377	15 9	Ditto, 5 - - - - - 1806	7,776	10 0
Annual Interest on £364,261,567 0 0 Redeemed at £2 per Cent. - - - - -	10,927,847	0 24	Ditto, 6 - - - - - 1807	4,710	10 0
Ditto - - £ 3,750,800 0 0 £3½ per Cent. - - - - -	131,278	0 0	Ditto, - - - 5 July - -	10,181	0 0
Ditto - - £ 7,796,400 0 0 £4 per Cent. - - - - -	311,856	0 0			
Ditto - - £ 145,500 0 0 £5 per Cent. - - - - -	7,275	0 0	Bank Short Annuities, 5 Jan. 1808	418,333	0 11
Ditto - - £ 180,296 9 4 Irish £5 per Cent. payable in England - - - - -	9,014	16 54	Do. Long Do. which will ex- pire 5 Jan. 1860	1,359,435	18 84
£1 per Cent. per Annum on part of Capitals created, from 1st February 1793 to 1815, both inclusive - -	6,640,220	3 74			
Annual Interest on £5,181,451 £3 per Cents, transferred for the purchase of Life Annuities - - - - -	155,443	10 7	By an Act of 42d Geo. III. c. 71, such Annuities as fall in after the passing of that Act, are not to be placed to the Account of the Commis- sioners for the Reduction of the National Debt.		
Ditto - - £ 26,176 £4 per Cents Do. - - - - -	1,047	0 94			
Ditto - - £ 69,759 £5 per Cents Do. - - - - -	3,487	19 0			
Life Annuities transferred for Ditto - - - - -	7,759	0 0			
Sinking Fund borne by Consolidated Fund, on Loans raised and Bills funded, Annis 1815, 1818, and 1819 -	1,377,013	4 7			
Annual Appropriation on £12,000,000, part of £14,200,000, Loan 1807 - - - - -	626,255	10 5			
Annual Interest on £187,908 9 5 £3 per Cts. unclaimed for 10 Years and upwards - - - - -	5,637	5 04			
Ditto - - £21,261 7 2 £4 per Cents, - Do. - - - - -	850	9 1			
Ditto - - £26,296 11 10 £5 per Cents, - Do. - - - - -	1,314	16 7			
unc. Annuities, unclaimed Ditto Ditto - - - - -	583	8 4			
Annual Interest on £398,800 £3 per Cents, purchased with unclaimed Dividends - - - - -	11,964	0 0			
Chargeable on Sinking Fund: - - - - -	21,980,587	1 04			
Life Annuities - - - - - £351,275 8 0					
Loans and Bills, funded from 1813 to 1815 (both inclusive) per Act 53 Geo. III. c. 35	7,632,969	14 94			
Net of Charge on Treasury Bills raised for Ireland, Anno 1816 - - - - -	9,014	16 54			
	7,993,259	19 24			
Deduct for Sinking Fund for said Loans and Bills - - - - -	2,213,024	18 104			
	5,780,235	0 44			
Annual Sinking Fund of Great Britain and Ireland, funded therein, Consolidated - - - - -	16,200,352	0 84			

the Imperial Debt, at 5th January, 1820.

1 per Cent. per Ann. on Capitals created by Loan, 1797	36,693	0 0	Imperial Annuities for 25 Years, expired 1st May, 1819.	230,000	0 0
Annual Interest on £2,320,479 at £3 per Cent. - -	69,614	7 44			
Do. - - on £350 3 0 Unclaimed Capital, for 10 Years and upwards, at £3 per Cent. - - - - -	10	10 1			
	£ 106,317	17 54			

the Debt of Portugal, at 5th January, 1820.

Annual Appropriation for Redemption of Loan, 1809 -	30,000	0 0			
Annual Interest on £607,147 £3 per Cent. - - - -	18,214	8 24			
	£ 48,214	8 24			

payable in Ireland, at 5th January, 1820, in British Currency

Annual Charge, per Act 37 Geo. III. - - - - -	62,445	5 7			
Remainable Annuities expired - - - - -	66,616	6 6			
Net of per Centage on Loans and Outstanding Treasury Bills, at 5 Jan. 1820 - - - - -	252,403	10 24			
Annual Interest on £8,244,147 12 11½ at £3 10 per Cent.	288,545	3 4			
Ditto - - £ 435,184 12 3½ at £4 per Cent. - - -	17,407	7 84			
Ditto - - £1,538,969 6 7½ at £5 per Cent. - - -	76,945	9 4			
Chargeable on Sinking Fund: Interest cancelled in Ireland, towards de- fraying the Charge of Treasury Bills raised, Anno 1816, &c. the remainder being cancelled in England - - - - -	159,927	6 04			
Deduct for Sinking Fund for said Bills - - - - -	28,076	18 54			
	131,850	7 7			
Annual Sinking Fund of Ireland, payable in Ireland. -	632,512	15 04			

An Account of the Unfunded Debt and Demands outstanding, on the 5th day of January, 1820.

Under the Heads of,—Exchequer, Treasury, Army, Navy, Ordnance, Barracks, and any other head of Public Service; specifying the same:—distinguishing, under each head respectively, the particulars of which such Debt or Demands consisted; and also, what part of the said Debt or Demands was then provided for, and in what manner; and what part thereof was unprovided for.

		AMOUNT OUTSTANDING.		
EXCHEQUER.				
		£.	s.	d.
Exchequer Bills	{ Provided for	597,000	0	0
	{ Unprovided for	36,303,200	0	0
		<hr/> 36,900,200 0 0		

TREASURY.

Miscellaneous Services.....	1,024,599	16	6	
Warrants for Army Services..	138,089	14	1	
Treasury Bills of Exchange } drawn from Abroad }	392,939	0	0	
Irish Treasury Bills.				
Provided for... 2,300,000	}	4,300,000	0	0
Unprovided for 2,000,000				
			5,855,628	10 7
ARMY.....	1,082,893	0	4	
NAVY.....	1,258,174	15	6	
ORDNANCE.....	236,508	2	4	
BARRACKS.....	Nil.			
			£. 45,333,404	8 9

*Whitehall, Treasury Chambers, }
27th April, 1820.*

C. ARBUTHNOT.

ANNUAL REPORT of the Secretary of the Treasury to Congress, on the state of the Finances of The United States.—10th December, 1819.

SIR, *Treasury Department, 10th December, 1819.*

I HAVE the honour to transmit, herewith, a Report, forwarded in obedience to the Act, entitled, "An Act to establish the Treasury Department."

I have the honour to be, &c.,

WILLIAM H. CRAWFORD.

The Honourable the Speaker of the House of Representatives.

REPORT.

In obedience to the directions of the "Act supplementary to the Act to establish the Treasury Department," the Secretary of the Treasury respectfully submits the following Report.

I.—OF THE REVENUE.

The nett Revenue arising from duties upon imports and tonnage, internal duties, direct tax, public lands, postage, and other incidental Receipts, during the year 1815, amounted to ... Dollars, 49,555,642 76

Viz: Customs.....	36,306,022	51
Internal duties	5,963,225	88
Direct tax	5,723,152	25
Public lands	1,287,959	28
Postage and other incidental receipts	Dollars,	275,282 84

That which accrued from the same sources during the year 1816, amounted to Dollars, 36,657,904 72

Viz: Customs.....	27,484,100	36
Internal Duties	4,396,133	25
Direct tax	2,785,343	20
Public lands	1,754,487	38
Postage and other incidental receipts		237,840 53

That which accrued from the same sources during the year 1817, amounted to.....Dollars, 24,365,227 34

Viz : Customs.....	17,524,775 15
Internal duties	2,676,882 77
Direct tax	1,833,737 04
Public lands, exclusive of Missis-	
sippi stock.....	2,015,977 00
Postage and other incidental re-	
ceipts	313,855 38

And that which accrued from the same sources during the year 1818, amounted toDollars... 26,095,200 65

Viz : Customs.....	21,828,451 48
Arrears of internal duties.....	947,946 33
Arrears of direct Tax	263,926 01
Public lands, exclusive of Missis-	
sippi stock	2,464,527 90
Postage, dividends on bank stock,	
and other incidental receipts...	590,348 93

It is ascertained that the gross amount of duties on merchandise and tonnage, which have accrued during the 3 first quarters of the present year, exceeds 18,000,000 Dollars ; and the sales of public lands during the same period have exceeded 8,700,000 Dollars.

The payments into the Treasury, during the 3 first quarters of the year, are estimated to amount to, inclusive of 169,594 07 Dollars in Treasury Notes, 19,550,607 17

Viz : Customs	15,604,081 58
Public lands, exclu-	
sive of Mississippi	
stock.....	2,858,556 61
Arrears of internal	
duties	195,531 02
Arrears of direct tax	72,880 24
First instalment pay-	
able by the Bank of	
The United States.	500,000 00
Fourth dividend on The United States shares in the Bank of The	
United States.....	175,000 00
Incidental receipts..	59,095 43
Repayments.....	85,462 29

And the payments into the Treasury, during the 4th quarter of the year, from the same sources, are estimated at

5,000,000 00

Making the total amount estimated to be received Dollars.
into the Treasury during the year 1819, exclusive of
169,594 07, in Treasury Notes, 24,381,013 10

Which, added to the balance in the Treasury on the
1st of January last, exclusive of 32,155 51, in Trea-
sury Notes, amounting to 1,446,371 23

Makes the aggregate amount of Dollars 25,827,384 33

The application of this sum, for the year 1819, is estimated as follows:
Viz: To the 30th September, the payments, exclusive of 81,161 79
in Treasury Notes, which have been drawn from the Treasury and can-
celled, have amounted to 18,192,387 43

Viz: Civil, diplomatic, and miscella-
neous expenses... 2,544,612 98

Military service, including arrear-
age..... 7,665,961 72

Naval service, including the per-
manent appropriation for the
gradual increase of the Navy
3,527,640 42

Public debt, exclusive of 81,161 79 in Treasury Notes above-
mentioned..... 4,454,172 31

During the 4th quarter it is estimated that the payments, exclusive
of 120,587 79 in Treasury Notes, which will be drawn from the Treasury
and cancelled, will amount to 7,300,000 00

Viz: Civil, diplomatic, and miscella-
neous expenses... 500,000 00

Military service ... 1,530,000 00

Naval service..... 300,000 00

Public debt, to the 1st of January, 1820, exclu-
sive of 120,587 79 in Treasury Notes above-
mentioned 4,970,000 00

Making the aggregate amount of, (exclusive of
201,749 58, in Treasury Notes, drawn from the
Treasury and cancelled,) 25,492,387 43

And leaving, on the 1st of January, 1820, a
balance in the Treasury, estimated at.....Dollars... 334,996 90

II.—OF THE PUBLIC DEBT.

Dollars.

The funded debt, which was contracted before the year 1812, and which was unredeemed on the 1st day of October, 1818, amounted to 29,681,280 07

And that contracted subsequently to the 1st day of January, 1812, and unredeemed on the 1st of October, 1818, amounted to 68,146,039 84

Making the aggregate amount of Dollars 97,827,319 91

Which sum agrees with the amount stated in the last Annual Report, as unredeemed on the 1st of October, 1818, excepting the sum of 1,885 13, which was then short estimated, and which has since been corrected by actual settlement.

On the 1st day of January, there was added to the above amount, for Treasury Notes brought into the Treasury and cancelled, and for which the following stock was issued;

Viz: In £6 per cent. stock	49,024 71	
In £7 per cent. stock	2,646 00	
		<u>51,670 71</u>

Making Dollars 97,878,990 62

From which deduct Louisiana £6 per cent. stock, reimbursed on the 21st October, 1818, 4,977,950 00

And deferred stock, reimbursed between the 1st of October, 1818, and the 1st of January, 1819,	252,863 27	
		<u>5,230,813 27</u>

Making the public debt, which was unredeemed on the 1st of January, 1819, amount to 92,648,177 35

From the 1st of January to the 30th of September, inclusive, there was, by funding Treasury Notes, and issuing £3 per cent. stock, for interest on old registered debt, added to the public debt the amount of	36,135 59	
		<u>36,135 59</u>

Making Dollars 92,684,312 94

From which deduct the amount of stock purchased during that period 711,957 55

And the estimated reimbursement of deferred stock	243,827 88	
		<u>955,785 43</u>

Making on the 1st of October, 1819, Dollars, 91,728,527 51

Since the 30th of September there has been re- deemed, or provision made for the redemption of, 54 per cent. of the Louisiana stock, unpaid on the 1st of October, 1819, amounting to	2,601,817 15	Dollars.
And there will be reimbursed of the principal of the deferred £6 per cent. stock, on the 1st of January, 1820, ..	241,506 70	
	<hr/>	2,843,323 85
Leaving the public debt unredeemed on the 1st of January, 1820, by estimate	Dollars,	88,885,203 66
		<hr/> <hr/>
The Treasury Notes in circulation are estimated at		181,821 00
		<hr/> <hr/>
The whole of the awards made by the Commis- sioners, appointed under the several Acts of Congress for indemnifying certain claimants of public lands, amounts to		4,282,151 12
Of which there has been received at the office of the Commissioner of the General Land Office, the sum of		2,372,574 31
		<hr/>
Leaving outstanding, at the dates of the several Returns from the Land Districts.....	Dollars.	1,909,576 81
		<hr/> <hr/>

III.—OF THE ESTIMATES OF THE PUBLIC REVENUE, AND EXPENDI- TURES, FOR THE YEAR 1820.

IN presenting the Estimates for the year 1820, it may be proper to observe, that, when the internal Duties were repealed on the 31st of December, 1817, the permanent Revenue, including those duties, was estimated at 24,525,000 dollars, whilst the annual authorised Expenditure was ascertained to be less than 22,000,000. The repeal of the internal duties reduced the former to 22,025,000, whilst the payments from the Treasury, during the year 1818, exceeded 26,000,000; and those of the present year will probably fall but little short of 25,500,000.

In the Annual Report of the Treasury, of November 21st, 1818, the receipts for the present year were estimated at 24,220,000. Although this estimate will be realized in its general result, deficiencies have been ascertained in the customs, the internal duties, and direct taxes, the bank dividends, and the postage of letters. The deficiency which has occurred in the customs, internal duties, and direct taxes, will probably augment, in nearly the same degree, the receipts from those sources in the year 1820, by the payment of the Revenue Bonds, and

of that portion of the internal duties, and direct taxes, which, if the accustomed punctuality had been observed, would have been received during the present year. But it is probable, that the receipts of that year will be diminished by the non-payment of the bank dividends, and by the application of a portion of the proceeds of the public lands to the redemption of the outstanding Mississippi Stock. The receipts for the year 1820, applicable to the ordinary and current demands upon the Treasury, may, therefore, be estimated at22,000,000

Viz: Customs	19,000,000 00
Public Lands	2,000,000 00
Arrears of internal duties and direct tax.....	450,000 00
Second instalment due by the United States Bank	500,000 00
Incidental receipts	50,000 00

Which, with the sum estimated to be in the Treasury on the 1st of January, 1820334,996 90

Make the aggregate amount ofDollars 22,334,996 90

The estimates of the expenditure for the year 1820 are not yet complete, but it is ascertained, from those which have already been received, that a sum not less than 27,000,000 dollars will be required for the service of that year. This deficit of nearly 5,000,000, resulting from the excess of expenditure beyond the receipts, cannot be supplied by any application of the ordinary Revenue. After paying the interest and reimbursement of the public debt, and redeeming the remainder of the Louisiana stock, about 2,500,000 of the Sinking Fund will remain without application, if the price of the public stocks should continue above the prices at which the Commissioners of the Sinking Fund are authorised to purchase. During the years 1821, 1822, and 1823, the average sum of 5,000,000 of the Sinking Fund will also remain without application, if the price of the public stock should prevent its purchase. Any application of that portion of the Sinking Fund, which, on account of the price of the public stock, may remain unemployed in the hands of the Commissioners, to other branches of the public service, if allowable under the provisions of the Act making the appropriation, would only postpone the period at which additional impositions would be required to meet the public expenditure. Such an application would also have the effect of ultimately retarding the redemption of the public debt.

It may be proper to add, that, although some of the items in the estimate for the ensuing year may be considered, in their nature, tem-

porary, yet, it is probable that the estimates for succeeding years will exceed rather than fall below it.

Under all the circumstances, it is respectfully submitted, that the public interest requires that the Revenue be augmented, or that the Expenditure be diminished.

Should an increase of the Revenue be deemed expedient, a portion of the deficit may be supplied by an addition to the Duties now imposed upon various articles of foreign merchandise, and by a reasonable duty upon sales at public auctions; but it is not probable that any modification of the existing Tariff can supersede the necessity of resorting to internal taxation, if the Expenditure is not diminished. Should Congress deem it expedient to modify the present rate of Duties, with a view to afford that protection to our cotton, woollen, and iron manufactures, which is necessary to secure to them the domestic market, the necessity of resorting to a system of internal taxation will be augmented. It is believed that the present is a favourable moment for affording efficient protection to that increasing and important interest, if it can be done consistently with the general interest of the Nation. The situation of the States from whence our foreign manufactures have been principally drawn, authorizes the expectation, that, in the event of a monopoly of the home market being secured to our cotton woollen manufactures, a considerable portion of the manufacturing skill and capital of those States will be promptly transferred to The United States, and incorporated into the domestic capital of the Union. Should this expectation be realized, the disadvantages resulting from such a monopoly would quickly disappear. In the mean time, it is believed, that a system of internal taxation would be severely felt by the great mass of our Citizens.

Whether the Revenue be augmented, or the Expenditure be diminished, a Loan, to some extent, will be necessary. The augmentation of the one, or the diminution of the other, cannot be effected in sufficient time to prevent this necessity. As the 6 per cent. stock of The United States is considerably above par, the sum required to be raised by Loan can be conveniently and advantageously obtained by the sale of Stock of that description; or it may be obtained by the issue of Treasury Notes. If the Revenue and Expenditure shall be equalized, the issue of Treasury Notes, not bearing interest, is recommended, in preference to the creation or sale of Stock: as the Loan, in that event, will be small in amount, and temporary in its nature.

All which is respectfully submitted.

WM. H. CRAWFORD.

Treasury Department, 10th December, 1819.

STATEMENTS accompanying the preceding Report.

Statement, shewing the amount of Duties which accrued on Merchandize, Tonnage, Passports, and Clearances; of Debentures issued on the exportation of Foreign Merchandize; of Payments for Bounties and Allowances; and of expenses of collection; during the Years 1815, 1816, 1817, and 1818.

	Duties on		Debentures Issued.	Bounties and allowances.	Gross Revenue.	Expenses of collection.	Net Revenue.
	Merchandize.	Tonnage, &c. Passports, &c.					
	Dollars.	Dollars.	Dollars.	Dollars.	Dollars.	Dollars.	Dollars.
1815	37,847,751 46	614,025 59	1,704,933 22	1,811 74	36,771,038 09	465,015 58	36,306,022 51
1816	32,743,568 38	460,302 54	4,830,311 20	85,319 86	28,300,473 86	816,373 50	27,484,100 36
1817	21,995,642 12	323,005 45	3,937,323 35	124,346 41	18,269,585 81	744,810 66	17,524,775 15
1818	25,798,490 79	260,878 81	3,343,938 08	154,587 89	22,574,873 63	746,422 15	21,828,451 48

It will be perceived, on a reference to the Annual Reports upon the state of the Finances for the Years 1815, 1816, and 1817, that there is a variation from the above, which arose from corrections after the annual statements were rendered. The above statement is deemed correct.

Statement, shewing the amount of American and Foreign Tonnage employed in Foreign Trade, during the Years 1815, 1816, 1817, and 1818, as taken from the Records of the Treasury.

	American Tonnage in Foreign Trade.	Foreign Tonnage in Foreign Trade.	Total.	Proportion of Foreign Tonnage to the whole amount of Tonnage employed in the Foreign Trade of The United States.
	Tons.	Tons.	Tons.	Tons.
1815	700,500	216,727	917,227	23.6 to 100
1816	877,462	259,142	1,136,604	22.8 to 100
1817	780,136	212,420	992,556	24.4 to 100
1818	755,101	161,413	916,514	17.6 to 100

Statement, exhibiting the value and quantities, respectively, of Merchandise on which duties actually accrued during the Year 1818, (consisting of the difference between articles, paying duty, imported, and those entitled to drawback, re-exported;) and also of the nett Revenue which accrued that Year from duties on Merchandise, Tonnage, Passports, and Clearances.

MERCHANDISE PAYING DUTIES AD VALOREM.				Dollars.
2,387,693	dollars	at 7½ per cent.		179,076 97
19,445,525	—	at 15 —		2,916,828 75
9,524,531	—	at 20 —		1,904,906 20
24,804,188	—	at 25 —		6,201,047 0
2,633,637	—	at 30 —		790,091 10
58,795,574	-	-	-	11,991,950 02
134,070	exported	33½	-	44,690 0
58,661,504	-	-	-	11,947,260 02
				11,947,260 02
1. Wines.	1,663,482 galls.	at 37.9 cents,		
	average	-	-	630,181 75
2. Spirits.	6,052,453 galls.	at 43.7 cents,		
	average	-	-	2,646,186 92
Molasses,	12,315,023 galls.	at 5 cents,		
	average	-	-	615,751 15
3. Teas.	4,842,963 lbs.	at 31.6 cents,		
	average	-	-	1,531,749 53
Coffee.	19,199,403 lbs.	at 5 cents, average		959,970 15
4. Sugar.	51,284,983 lbs.	at 3.06 cents,		
	average	-	-	1,568,892 44
5. Salt.	2,752,396 bushels,	at 20 cents,		
	average	-	-	550,479 20
6. All other articles	-	-	-	1,591,701 28
				10,094,912 42
				Dollars 22,042,172 44
Deduct duties refunded, after deducting therefrom duties on Merchandise, the particulars of which could not be ascertained, and difference in calculation,				58,855 64
				Dollars 21,983,316 80
2½ per cent retained on drawback	-	-	-	90,010 21
10 per cent extra duty on merchandise imported in Foreign Vessels	-	-	-	201,993 96
Interest and storage	-	-	-	24,643 85
				316,648 02
Nett amount of duties on Merchandise,				Dollars 22,299,964 82
Duties on tonnage	-	-	-	216,669 24
Light money	-	-	-	44,209 57
				260,878 81
Passports and clearances	-	-	-	14,030 00
Gross Revenue	-	-	-	Dollars 22,574,873 63
Deduct expenses of collection	-	-	-	746,422 15
Nett Revenue	-	-	-	Dollars 21,828,451 48

Statement of Moneys received into the Treasury, from Internal Duties and other objects, during the year 1818.

	Dollars.
From arrears of New Internal Duties.....	947,946 33
New Direct Tax	263,926 01
Old Internal Revenue	7,323 87
Old Direct Tax.....	407 35
From Postage of Letters	20,070 00
Fees on Letters Patent	4,740 00
Cents and half-cents, coined at the Mint.....	23,420 00
Rent of the Lead Mines in the Missouri Territory	2,000 77
Fines, Penalties, and Forfeitures	577 60
Surplus proceeds of property sold for payment of	
Direct Taxes, of 1815	1,378 15
Ditto ditto ditto of 1816	131 71
Interest on Stock in the Bank of The United	
States.....	525,000 00
Interest on balances due by Banks to The United	
States	5,299 48
	<hr/>
	Dollars 1,802,221 27
	<hr/> <hr/>

JOSEPH NOURSE, *Register.*

Treasury Department, Register's Office, 4th December, 1819.

Statement of the Funded Debt of The United States, on the 1st January, 1819.

	Dollars
Deferred 6 per Cent Stock, unredeemed	
amount	3,268,832 13
3 per Cent	13,454,575 68
Louisiana	4,977,950 00
6 per Cent, of 1796.....	80,000 00
Exchanged 6 per Cent of 1812	2,669,108 99
	<hr/>
	24,450,466 80
6 per Cent of 1812, loan of 11,000,000	6,206,502 12
do. of 1813, loan of 16,000,000	15,522,272 81
do. of do. loan of 7,500,000,	6,836,232 39
do. of 1814, loan of 25,000,000,	
and of 3,000,000	13,011,437 63
do. of 1815	9,505,625 41
Treasury Note, 6 per Cent.....	1,387,223 70
do. 7 do.	8,728,416 49

5 per Cent. (subscription to Bank, United States)	7,000,000 00	
	<hr/>	68,197,710 55
		<hr/>
	Dollars	92,648,177 35
		<hr/>
Unredeemed amount, 1st January, 1818.....		99,107,346 95
Add Stock issued in 1818, 3 per Cent..	20 08	
Treasury Note, 6 per Cent.....	117,801 70	
do. 7 per Cent.....	8,886 00	
	<hr/>	126,707 78
		<hr/>
		99,234,054 73
Deduct Stock purchased and reimbursed in 1818:		
Purchased, as per Statement accompany-		
ing the Report of 23d Nov. 1818 ..	415,993 87	
Reimbursed moiety of Louisiana Stock,		
21st October, 1818.....	4,977,950 00	
Old 6 per Cent, and deferred.....	1,191,933 51	
	<hr/>	6,585,877 38
		<hr/>
	Dollars	92,648,177 35
		<hr/>
<i>Treasury Department, Register's Office, 30th November, 1819.</i>		
JOSEPH NOURSE, <i>Register.</i>		

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**MANIFESTE du Gouvernement de la Nation Portugaise
aux Souverains et aux Peuples de l'Europe.—Lisbonne, le
15 Décembre, 1820.**

LA Nation Portugaise animée du désir le plus sincère et le plus ardent de maintenir les relations politiques et commerciales, qui l'ont unie jusqu'à présent à tous les Gouvernemens et Peuples de l'Europe, et ayant encore plus à cœur de continuer à mériter dans l'opinion, et au sentiment des hommes les plus éclairés de tout les Pays, l'estime et la considération qu'on n'a jamais refusées au caractère loyal et honorable des Portugais, trouve qu'il est d'une nécessité indispensable de soumettre au public l'exposition succincte, mais franche, des causes qui ont emmené les événemens mémorables arrivés depuis peu en Portugal; du véritable esprit qui les a dirigés, et de l'unique but où tendent les changemens qui se sont opérés, et doivent s'opérer encore, touchant la forme intérieure de son Administration; pleine de confi-

ance que cette exposition, en rectifiant les fausses idées qu'on puisse avoir conçues sur les dits événemens, lui méritera les égards bienveillans des Souverains et des Peuples.

Toute l'Europe sait les circonstances extraordinaires qui, l'an 1807, forcèrent Dom Jean VI, alors Prince Régent du Portugal, à passer, avec sa Famille Royale, à ses Domaines Trans-Atlantiques ; et quoique cette résolution de Sa Majesté fut alors reconnue du plus grand avantage pour la cause générale de la liberté publique de l'Europe, personne néanmoins ne laissa de prévoir l'état critique où se trouverait le Portugal par cette absence de son Prince, et les faits ultérieurs ont prouvé jusqu'à l'évidence que cette prévoyance n'était ni vaine, ni téméraire.

Le Portugal, séparé de son Souverain par la vaste étendue des mers, privé de toutes les ressources de ses Possessions d'Outre-mer, et de tous les bénéfices du commerce par le blocus de ses Ports, et dominé dans l'intérieur par une force ennemie, qu'on jugeait alors invincible, semblait toucher au dernier terme de son existence politique, et ne devoir plus entrer dans la liste des Nations indépendantes.

Dans une crise si alarmante, ce Peuple héroïque ne perdit ni l'honneur, ni le courage, ni la fidélité pour son Roi, parce que ces sentimens ne pouvaient lui être arrachés du cœur par la violence des circonstances, ni par la force supérieure de l'ennemi. Ils se manifestèrent en effet de la manière la plus énergique, aussitôt que l'occasion favorable s'en présenta. Les Portugais, avec les secours de leurs Alliés, conquîrent aux dépens des sacrifices les plus pénibles, leur propre existence politique : ils rendirent, avec une généreuse loyauté, à leur Monarque, son Trône et sa Couronne ; et l'Europe impartiale ne peut laisser d'avouer (quoique cette justice ne lui ait pas toujours été faite) qu'elle leur doit aussi, en grande partie, les triomphes qu'elle a depuis obtenus, en faveur de la liberté et de l'indépendance des Trônes et des Peuples.

Ce que fut l'état intérieur du Portugal, après des circonstances si étranges, des efforts si extraordinaires et un renversement si universel et transcendant, il est plus facile de l'imaginer que de le dire.

La ruine de sa population, commencée par l'émigration des habitans qui avaient suivi le Prince, ou cherchaient à échapper à la méfiance soupçonneuse, ou à la poursuite systématique de l'ennemi, s'augmenta deux fois par les funestes invasions de 1809 et 1810, et par les pertes inévitables d'une guerre à outrance, prolongée 7 ans.

Le commerce et l'industrie, qui ne peuvent prospérer à leur aise qu'à l'ombre bienfaisante de la paix, de la sûreté et de la tranquillité Publique, avaient été non seulement méprisés et abandonnés, mais semblaient entièrement détruits par la franchise sans bornes accordée aux Vaisseaux étrangers dans tous les Ports du Brésil ; par le funeste Traité de 1810 ; par la décadence des fabriques et des manufactures

nationales, qui en était la suite ; par la presque totale extinction de la Marine marchande et militaire, et par un manquement absolu de toute sorte de mesures, qui relevassent et animassent ces deux très-importantes branches de la prospérité publique.

L'agriculture, base fondamentale de la richesse et de la force des Nations, privée des bras que lui enlevaient l'armée et la mort, dénuée des capitaux qui l'alimentent, et qui peut-être avaient été détournés vers des objets de plus urgente nécessité, délaissée hors d'haleine, épuisée de la force que lui donnent ordinairement l'industrie nationale et l'activité du commerce, tant interne qu'externe, gissait dans un abattement mortel, et n'offrait plus au spectateur étonné que le triste tableau de la faim et de la misère.

La sensible diminution des Revenus Publics, causée par la ruine de la Population, du commerce, et de l'industrie ; par la perte irrévocable des grands capitaux que la violence de l'ennemi avait extorqués des mains des Portugais, et par les énormes dépenses de la guerre, en obligeant la Nation à contracter des dettes nouvelles et considérables pour l'amortissement desquelles ses ressources ne suffisaient pas, avait achevé de porter le dernier coup au crédit Public, déjà chancelant par la scandaleuse malversation des Agens du Fisc, et plus encore par le système vicieux de l'Administration.

Si les Portugais n'avaient aimé and respecté leur Prince, et son Auguste Dynastie, d'une espèce d'amour et d'idolatrie presque religieuse, s'ils n'avaient pas voulu ne recevoir que de sa justice, et de sa bienfaisance, les réformes et les améliorations publiques qu'exigeait impérieusement un pareil état de choses, il leur eut été bien facile, à cette époque, de mettre des bornes à son pouvoir, et de lui dicter les conditions que demandaient des circonstances si urgentes. Ils n'ignoraient pas leurs droits : la tendance générale de l'opinion, dirigée par les lumières du siècle, et plus que suffisamment manifestée parmi les Peuples les plus civilisés de l'Europe, les invitait à faire usage de ces droits, que leurs Ayeux avaient déjà reconnus et exercés dans des occasions moins forcées : l'armée victorieuse et triomphante aurait appuyé de si justes prétensions, et la Nation serait aujourd'hui libre, ou certainement moins infortunée.

Mais le caractère des Portugais ne sut jamais se dementir. Ils aimèrent mieux espérer tout du Prince que de donner à l'Europe, encore affligée des disgrâces passées, le spectacle d'une Nation peu endurante et inquiète, ou paraître abuser de l'occasion et de la facilité des circonstances à se montrer remuants, ou moins soumis. La souffrance silencieuse et paisible de leurs maux, fut la base de leur procédé ; la confiance dans les vertus reconnues du Prince, le fondement de leur espérance.

Mais (il n'est pas possible de le taire) ces espérances furent entièrement frustrées, et cette souffrance fut portée au plus haut degré où

puisse arriver la patience d'une Nation brave, pleine du sentiment de ses disgraces, et qui n'ignorait point les moyens d'y remédier.

Pour preuve de cette pénible vérité, il n'est point nécessaire de renouveler ici le triste tableau du décroissement progressif du Portugal dans toutes les branches de son administration, pendant les 6 années qui se sont écoulées depuis la Paix générale de l'Europe jusqu'à présent. L'Europe toute entière l'a vu, ou l'a entendu raconter avec douleur ; et les Augustes Souverains des différentes Nations ne pouvaient laisser d'être informés d'un si grand malheur par leurs Ministres, ou Agents Diplomatiques, qui ayant lû dans l'histoire la splendeur, la gloire, et l'élévation où étaient autrefois parvenus les Portugais, avaient sans doute été frappés d'étonnement, et touchés de pitié, de l'incompréhensible abaissement où était tombé ce Peuple, qui n'est pas moins bien partagé que tout autre de l'Europe, des dons et des bienfaits de la nature.

Sa Population, déjà épuisée par les motifs ci-dessus indiqués, continua à s'appauvrir par l'envoi forcé au Brésil de quelques milliers d'hommes, qui après avoir exposé leur vie pour la Patrie et pour le Trône, après avoir mérité de reposer dans la tranquillité de la paix, au sein de leur famille, ou de jouir dans leur Pays natal du prix de leur dévouement et de leur courage, furent continuer dans l'Amérique Méridionale les durs travaux de la guerre, et d'une guerre qui, faite à une si grande distance du Portugal, semble n'avoir porté ses pesans coups que sur ce Royaume, en attaquant de plusieurs manières les sources essentielles de sa vigueur, et l'exposant aux entreprises d'une Nation voisine, puissante, toujours sa rivale, et maintenant piquée ; et même (à son opinion) offensée et outragée.

Le commerce, au lieu de la protection assidue que sa situation demandait, et qui aurait encore pu lui conserver un reste de vie, et le resusciter peu-à-peu de la léthargie mortelle, où il se trouvait enseveli, n'obtint que des rares et chétives mesures, qui n'étant point le resultat de combinaisons judicieuses du véritable état comparatif des relations commerciales des différens Peuples de l'Europe, ni liées ensemble et tenantes à un système général adapté aux circonstances actuelles, ou en rendaient les transactions chaque fois plus difficiles et plus compliquées, ou même tournaient directement à son préjudice, en faisant passer tous ses avantages à des mains étrangères, et éloignant de son cours public des fonds qui auraient dû y être employés.

L'industrie n'était pas plus favorisée, et il n'y avait pas à espérer que son sort fut moins malheureux. Les Portugais virent et souffrirent que leurs fabriques, et leurs manufactures, fussent détruites, et presque entièrement anéanties ; que les produits de leur travail ne pussent soutenir la concurrence de ceux étrangers ; que les meubles les plus précieux de leurs maisons, leurs habits, et leur linge d'usage le plus commun, et le plus habituel, jusqu'aux propres chemises,

jusqu'aux chaussures qu'ils portaient, tout leur fut fourni du dehors, et laissat dans l'oisiveté et la misère d'innombrables familles d'artisans et d'ouvriers : les Portugais virent et souffrirent que leurs vaisseaux marchands leur fussent saisis par les amis comme par les ennemis ; qu'ils fussent exposés aux insultes des Pirates, et qu'ils le fussent au point d'être enlevés à la vue même de leurs propres Forteresses : les Portugais virent et souffrirent..... mais pourquoi renouveler ici de si profondes et sensibles douleurs ? Pourquoi rappeler des maux si notoires, et si universellement déplorés ? Qu'ils le disent les Etrangers eux mêmes ; qu'ils le disent ceux-là même qui tiraient parti de l'étonnante nonchalance, ou faiblesse, du Gouvernement Portugais, et qui assez souvent s'écriaient avec une noble franchise "*que ce beau Pays était digne d'un meilleur sort.*"

Au milieu d'un si grand abandon de tous les intérêts publics, il n'était pas naturel que l'agriculture obtint une attention et un soin que lui mérite son influence reconnue sur le bonheur des Nations. La délicatesse Portugaise rougit d'avoir à avouer de faibles secours, fournis par la générosité d'une Nation Etrangère, au soulagement de la classe la plus utile et la plus misérable ; secours qui, ne pouvant être d'aucune utilité réelle par leur valeur, ni par le mode de leur distribution, ne servirent qu'à découvrir aux yeux de l'Europe émerveillée, le profond abîme de misère où était plongé ce Pays autrefois riche et opulent.

La Providence voulut favoriser l'agriculteur Portugais, en fécondant pour son bien le sein de la terre, et en faisant sortir de copieuses moissons : mais cette même faveur du Ciel fut encore vaine par les erreurs des hommes. Le numéraire avait disparu de la circulation par la stagnation du commerce, par la ruine de l'industrie, par les sommes considérables qui tous les jours passaient sans retour à l'étranger, en échange de denrées indispensables à la consommation du Pays, et par les remises éventuelles ou régulières qui se faisaient continuellement au Brésil sous différens prétextes, et pour diverses applications, jusqu'à un tel point d'engourdissement, et conséquemment de pauvreté publique, qu'au milieu de l'abondance du blé, surmontée encore d'une importation excessive et imprudemment tolérée de cette denrée, le Peuple mourait de faim ; le laboureur abandonnait ses terres et ses travaux ; tout le monde se plaignait d'une pénurie générale ; et à chaque instant on craignait que le désespoir n'éclatât en tumultes, et que les tumultes ne dégénérassent en la plus complète et horrible anarchie. Dans l'état où se trouvaient les principales sources de la prospérité et de la richesse nationale, il est facile de conjecturer quel serait celui du Trésor et du Crédit Public. Non seulement on conservait sans nécessité, et sans diminution, les anciennes dépenses proportionnées à la grandeur, à l'apparat, et au faste, d'une Cour qui n'existait plus en Portugal, mais on y en ajoutait d'autres également superflues, et non moins exorbitantes ; en même temps que

la recette décroissait sensiblement, tant par les causes ci-dessus indiquées, que par l'affreuse négligence, ou la prévarication des administrateurs subalternes, à plusieurs desquels l'impunité assurait la tranquille jouissance de leurs criminelles spéculations.

Tous ces maux s'accrurent encore des dépenses extraordinaires de quelques expéditions maritimes, destinées à fournir des Troupes à la désastreuse Guerre de l'Amérique Méridionale, et de la traite continuelle de l'argent monnayé pour la solde ou le maintien de la portion de l'Armée Portugaise, qui y était détachée; dépenses qui, tirant sans retour des sommes considérables de la circulation du Pays, portaient la plus nuisible influence sur la valeur du papier-monnaie, dont l'agiotage devenait chaque fois plus désavantageux et ruineux.

Les Employés, le Corps Militaire, les plus utiles serviteurs de l'Etat, souffraient un retard extraordinaire dans tous les payemens de leurs salaires bien mérités, et en même temps que ce délai réduisait les uns à la détresse et au désespoir, il excitait les autres à éclater en hautes et dangereuses clameurs, ou à se livrer aux excès de la plus funeste vénalité et corruption.

Les créanciers de l'Etat invoquaient en vain la foi publique, et l'accomplissement des promesses sacrées qui leur avaient été faites; et qui seul pouvait maintenir le crédit du Trésor, et l'espérance de nouvelles ressources, quand elles devinrent nécessaires.

On en était finalement au point que le Trésor ayant dernièrement eu besoin d'ouvrir un emprunt de 4,000,000 de crusades, quoiqu'il parut à espérer que la stagnation du commerce inviterait les capitalistes à se prêter à l'envie à une pareille négociation, qui semblait présenter un avantage assuré, par la valeur des hypothèques au paiement d'un intérêt régulier, et à l'amortissement du capital, il ne fut pas possible (nous avons honte à le dire) il ne fut pas possible de le remplir, pas même quand le Gouvernement, dépassant les bornes de la spontanéité qu'il avait d'abord annoncée, voulut y forcer les Capitalistes et les Propriétaires, par la voie d'une cotisation calculée sur l'évaluation de la propriété individuelle, et les revenus présumés de chaque maison de commerce.

Au milieu de tant de disgraces, qui pendant 6 ans accablèrent les Portugais en progression croissante, il pénétrait encore parfois dans leur cœur quelque rayon d'espérance, que le Roi reviendrait à eux, entendre leurs plaintes, et donner les remèdes possibles à des maux si pesans et si oppressifs. Ils connaissaient par expérience la bonté naturelle de son cœur, héritée de ses augustes Ayeux, et toujours disposée à faire le bonheur des Peuples de ses Etats, d'où dérivait leur confiance qu'elle préparerait les réformes, les améliorations, et les secours, dont toutes les branches de l'administration avaient un si grand besoin. Sa Majesté semblait avoir donné lieu, par plusieurs fois, à cette flatteuse espérance.

Mais elle s'évanouit peu-à-peu, et les Ministres du Rio de Janeiro, qui peut-être éloignaient de l'esprit du Roi l'idée de la réaliser, souffraient même de mauvais gré qu'un Citoyen, ami de sa Patrie, osât s'ouvrir en public de ses opinions sur un pareil objet, et les avantages qu'il y aurait à rétablir en Portugal le siège de la Monarchie.

Par cette manière, les Portugais commencèrent à perdre l'espoir de l'unique ressource et moyen de salut, qui parut encore leur rester au milieu de la presque totale ruine de leur chère Patrie. L'idée du sort de Colonie, où le Portugal se trouvait en effet réduit, affligeait extrêmement tous les Citoyens, qui conservaient encore et prisient un sentiment de dignité nationale. La justice était administrée du Brésil à des Peuples fidèles de l'Europe; c'est-à-dire, à la distance de 2,000 lieues, avec des dépenses et des lenteurs excessives, et quand la patience des Sujets était déjà fatiguée et épuisée par d'ennuyeuses, et peut-être d'iniques formalités. Les représentations dirigées au Trône, et qui ne pouvaient plus être accompagnées des importunités, ni des larmes des prétendants, étaient souvent détournées des yeux et de l'attention du Roi, à l'arbitre des Ministres et des favoris. Tous enfin connaissaient l'impossibilité absolue de mettre en marche régulière les affaires publiques et particulières d'une Monarchie, dans une si grande distance du centre de ses mouvemens : mouvemens en outre plusieurs fois suspendus, ou retardés par la malignité des hommes, la violence des passions, et même par la contrariété des élémens.

Cette même distance, en rendant difficiles les plaintes des Peuples et des individus opprimés, rendait plus hardie l'iniquité des mauvais administrateurs de la justice, et des infidèles dépositaires de quelle portion que ce fut de l'autorité publique. La basse vénalité avait tout corrompu. L'ambition, l'avarice, l'égoïsme insensé, avaient pris la place de l'amour de l'ordre public, et de l'amour de la Patrie; vertus jadis si familières au Peuple Portugais, et les vrais mobiles des faits héroïques que l'Europe illustrée admire encore, et admirera toujours dans l'histoire de cette grande Nation. Tous les liens sociaux se trouvaient relâchés; tous les intérêts en contradiction; toutes les opinions en discorde; tous les partis en divergence; toutes les passions et les vices aux aguets, ou en combat. Un seul sentiment était commun à tous les Portugais—celui de leur profond disgrâce. En un seul désir s'accordaient tous les bons Citoyens—celui d'un nouvel ordre de choses, qui sauvât le vaisseau de l'Etat du lamentable et pitoyable naufrage, où il était sur le point d'être englouti.

Que devait donc faire le Peuple Portugais, une Nation entière, dans une si extrême situation?—souffrir et espérer!—Elle souffrit et espéra en vain bien des années. Gémir, représenter et se plaindre?—Elle gémit, et ses gémissemens ne furent point écoutés: que disons nous "*point écoutés?*" Ils furent reprimés; ils furent cruellement suffoqués.—Elle représenta et se plaignit, mais ses plaintes et ses re-

présentations ne parvenaient point aux pieds du Trône. On disait au Roi que ses Peuples vivaient contents, et étaient fidèles.—Oui, ils étaient et ils sont fidèles : aucune Nation au monde n'a donné des preuves plus constantes d'amour à ses Princes, de loyauté à ses Monarques.—A présent même ils ont protesté, et ils protestent encore, à la face de l'Europe et du monde entier, la plus ferme adhésion à leur Roi, et à son Auguste Famille, qu'ils aiment cordialement ; qu'ils adorent. Mais ils ne vivaient pas contents, ni le contentement peut jamais s'allier, dans une Nation, à la pauvreté et la misère ; à la triste décadence de tous les établissemens utiles ; à la perte de la dignité et de la considération publique ; à l'ignorance systématiquement introduite, et maintenue ; à la ruine enfin de l'honneur, de la gloire et de la liberté nationale.—Ils ne pouvaient être heureux, et voulurent l'être.—Peut-on disputer à une Nation ce droit, et les moyens de l'exercer, de le mettre en usage ? Un Peuple quelconque, grand ou petit, quelle association que ce soit d'hommes raisonnables, pourraient-ils renoncer à ce droit inaliénable, pour s'asservir irrévocablement à l'arbitre d'un, ou de plusieurs hommes ; pour obéir aveuglement à un pouvoir illimité, à une volonté qui peut être injuste, capricieuse, désordonnée ; pour se laisser entraîner dans l'abîme du malheur, sans faire un pas qui les détourne du précipice, sans un effort généreux pour se sauver ?

Le Peuple Portugais en appelle au sentiment intime de tous ses Concitoyens ; des hommes éclairés de tous les Pays ; des Peuples de l'Europe et des Augustes Monarques qui les gouvernent.

Ce ne sont point, comme on veut le dire, les faux principes d'un philosophisme absurde, et désorganisateur des sociétés—ce n'est point l'amour d'une liberté illimitée, et inconciliable avec le véritable bonheur de l'homme, qui l'ont dirigé dans ces mouvemens patriotiques.—C'est le sentiment profond de la disgrâce publique ; c'est le désir d'y remédier.—C'est la nécessité inévitable d'être heureux, et le pouvoir que la nature leur a mis en main d'employer les recours propres à le devenir.

La nature a fait l'homme social pour lui faciliter les moyens de pourvoir à son bonheur, qui est la fin commune de tous les êtres raisonnables. Les sociétés ne peuvent exister sans Gouvernement : la nature conseille donc l'existence de ce Gouvernement, et autorise le pouvoir qu'il doit exercer ; mais un pouvoir subordonné à sa fin—un pouvoir limité par sa destinée—un pouvoir qui cesse de mériter ce nom, pour prendre l'odieuse épithète de tyrannie, aussitôt que sortant de ses bornes naturelles, il empêche, au lieu de faire, le bonheur des Peuples qui lui sont sujets.

De quelle manière que ce pouvoir ait été exercé sur une Nation, par un, ou par plusieurs ; concentré, ou partagé ; limité par des Lois expresses, ou confié sans limites—ni la force des armes, ni les habitudes invétérées, ni le laps de temps ne peuvent jamais dépouiller cette

Nation de la faculté et du droit invariable, qu'elle conserve toujours, de revoir ses Lois fondamentales ; de redresser ses premiers pas ; d'améliorer la forme de son Gouvernement ; de lui prescrire de justes bornes, et de le rendre utile à la collection des associés. Si la Nation elle-même pouvait exercer en masse les pouvoirs du Gouvernement, elle ne les aurait pas illimités, parcequ'aucune Société ne pourrait raisonnablement vouloir, approuver et autoriser son propre malheur et sa commune disgrâce.

Voilà les vrais principes qui ont dirigé les Portugais, qui les ont constitués dans la nécessité indispensable et absolue d'élever unanimement la voix, non pour offenser ou dépriser leur Prince, non pour le dépouiller, ou son Auguste Maison, des droits que lui ont acquis sur leurs cœurs tant de titres, surtout ceux de sa bonté, de sa clémence, de son amour pour ses Peuples ; non enfin pour placer sur le Trône la licence, l'immoralité, l'absurde et barbare anarchie ; mais pour donner à ce Trône les bases solides de la justice et de la loi ; pour le mettre à l'abri des pièges de la flatterie, des manœuvres de l'ambition, des embûches de l'arbitrarité ; pour le rendre plus ferme sans pouvoir être injuste ; pour le placer à égale distance des excès violens du despotisme, et de la mollesse, non moins funeste, de la négligente et inerte insouciance.

Tels étaient les vœux de tous les Portugais, quand ils proclamèrent la nécessité d'une Constitution, d'une Loi Fondamentale, qui réglât les limites du pouvoir et de l'obéissance ; qui garantit à l'avenir les droits et le bonheur du Peuple ; qui rendit à la Nation son honneur, son indépendance et sa gloire : et qui sur ces fondemens maintint ferme et inviolable le Trône de Dom Jean VI, et de l'Auguste Maison et Famille de Bragance ; et la pureté et la splendeur de la religion sainte, qui, dans toutes les époques de la Monarchie, a été la devise la plus sacrée des Portugais, et a donné le plus noble éclat à leurs faits héroïques.

En vain on prétend calomnier ce généreux effort, en le taxant d'innovation dangereuse. Les hommes doctes et impartiaux, versés dans l'histoire des Nations, savent bien que de tous temps les Peuples opprimés ont reconnu le même droit, et l'ont employé avec encore plus d'amplitude. L'histoire elle-même du Portugal en fournit des exemples, et la maison actuellement régnante doit à un pareil effort son exaltation et sa plus haute gloire. Si la philosophie moderne a créé un système scientifique du droit public des Nations et des Peuples, elle n'a pas pour cela créé ou inventé les droits sacrés que la nature de sa propre main avait gravés, en caractères ineffaçables, dans les cœurs des hommes ; et qui ont toujours été plus ou moins développés, mais jamais entièrement ignorés.

Les Portugais donnèrent le Trône en 1139 à leur fameux premier Roi, et firent dans les Etats Généraux (Cortes) de Lamego les premières Lois Fondamentales de la Monarchie. Les Portugais donnèrent [1819—20.]

le Trône en 1385 au Roi Dom Jean I, et lui imposèrent des conditions qu'il accepta, et garda. Les Portugais donnèrent le Trône en 1640 à Dom Jean IV., qui respecta aussi, et garda religieusement les franchises et les libertés de la Nation. Les Portugais, jusqu'en 1698, ont toujours eu des Etats Généraux, où on traitait des affaires les plus importantes de la Politique, de la Législature et des Finances ; et dans cette période, qui comprend plus de 5 siècles, les Portugais se sont élevés au faite de la gloire et de la grandeur, et se sont rendus dignes du rang distingué que, malgré l'envie et la partialité, ils occuperont toujours dans l'histoire des Peuples Européens. Ce qu'ils veulent donc aujourd'hui, ce qu'ils désirent, n'est point une innovation : c'est la restitution de leurs anciennes et salutaires institutions, corrigées et appliquées suivant les lumières du siècle, et les circonstances politiques du monde civilisé ; c'est la rentrée dans les droits inaliénables que la Nature leur avait accordés, comme elle les accorde à tous les Peuples ; droits qu'ils exerçaient, dont ils étaient jaloux, et n'ont été privés que depuis un siècle, ou par le système erroné du Gouvernement, ou par les fausses doctrines avec lesquelles les lâches adulateurs des Princes ont confondu les véritables et saines notions du droit public.

Le nom de rebellion, la qualification d'illégitimité ont été également employées pour en noircir la gloire des Portugais ; pour rendre odieux leurs mouvemens patriotiques ; pour attribuer au crime leur noble hardiesse. Mais la rebellion est la résistance au pouvoir légitime, et ce n'est pas un pouvoir légitime celui qui n'est pas réglé par la Loi, qui n'agit pas suivant la Loi, et ne tend point au bien des gouvernés et à leur bonheur : il n'y a d'illégitime que ce qui est injuste, et d'injuste que ce qui se fait sans droit, ou contre le droit.

Avec de pareilles dénominations, Philippe IV. chercha à décrier, dans les Cours de l'Europe, le glorieux soulèvement des Portugais en 1640. La justice prévalut ; Dom Jean IV. cessa d'être rebelle et usurpateur ; les Portugais, qui le firent Roi, furent des héros bien méritans de la patrie, et l'Auguste Maison de Bragance commença à faire les délices de la Nation. Nous ne prétendons point mettre en parallèle cette époque avec la présente dans toutes ses circonstances. Nous sommes bien loin de vouloir comparer le caractère du Roi Dom Philippe IV., avec celui de Dom Jean VI. ; les sentimens du premier envers les Portugais, avec les vertus qu'ils reconnaissent eux mêmes dans le second ; avec la tendresse et la bienveillance dont ils lui sont redevables. Mais il n'en est pas moins vrai que la Nation souffrait à présent la même pauvreté, la même décadence, les mêmes vices, la même oppression qu'à cette époque. Ses droits sont les mêmes ; leur développement, regardé alors comme légitime, ne saurait aujourd'hui être criminel.

Ceux qui attribuent ce développement, dans les circonstances actuelles du Portugal, aux résultats d'une faction, honorent à coup-sûr beaucoup trop ce nom ; parcequ'il n'y a jamais eu de faction, ni aussi

sacrée dans ses principes; ni aussi désintéressée dans ses intentions; ni aussi modérée dans ses procédés; ni si unanimement désirée, approuvée, applaudie. Il n'y a jamais eu de faction, qui dans le court espace de 37 jours, changeât la face d'une Nation entière, et d'une Nation qui se pique de religion et de loyauté, sans repandre une seule goutte de sang; sans donner lieu à la moindre insulte contre l'autorité; à la moindre attaque de la propriété publique, ou particulière; sans occasionner la plus légère disgrâce, ou desordre; pas même un accident désagréable. Il n'y a jamais eu de faction qui excitât si justement l'admiration, et méritât les applaudissemens des étrangers, qui l'ont vue commencer, qui ont observé ses progrès et son esprit, et qui ne peuvent s'empêcher de rendre l'hommage qui est dû au caractère noble, généreux et paisible des Portugais, tout comme ils ne pouvaient s'empêcher de s'apitoyer sur leur triste décadence, et malheureuse situation.

D'après tout ce qu'on vient de dire, les Portugais ne sauraient douter que leurs mouvemens patriotiques ne doivent mériter non seulement les égards les plus favorables, mais encore la plus juste louange, tant dans l'opinion publique des Nations éclairées, que dans les Cabinets des Souverains, qui régissent les divers Peuples de l'Europe.

Il serait assurément bien douloureux pour la Nation Portugaise que des grands et des puissans Monarques, avec lesquels elle a entretenu dans tous les temps des relations amicales, fidèlement et religieusement gardées et respectées, abusassent maintenant de leur force et de leur supériorité pour la subjuguier, et lui imposer des Lois; ou employassent leur influence pour réprimer le noble et courageux effort d'un **Peuple par trop humilié et malheureux**, qui se trouvant, par sa position géographique, dans l'impossibilité d'étendre son pouvoir, de se dilater en coquêtes; de troubler les autres Peuples dans la libre et paisible jouissance de leurs droits et de leurs institutions, ne peut qu'intenter, et n'intente en effet que l'amélioration de son sort, la réforme de son administration intérieure, le recouvrement des droits sacrés que la nature lui avait accordés, dont il a joui, et dont aucun pouvoir ne doit le dépouiller; et finalement, la révéndication à la Couronne de son **Auguste Prince** de l'indépendance, de la splendeur et de la gloire, qui dans des temps plus heureux formaient son plus bel ornement.

Jamais la Nation Portugaise ne s'est mêlée des affaires intérieures des autres Nations de l'Europe. Elle reconnaît et respecte les droits qui appartiennent aux Peuples indépendans, et doit espérer que ceux qui lui sont propres seront également reconnus et respectés par la même raison. Comment donc pourrait-elle voir, sans beaucoup de chagrin, qu'au mépris de ces droits, on abusât du pouvoir et de la force, pour la tenir dans l'humiliation et l'abattement; pour la rendre victime d'un pouvoir illimité et arbitraire, et pour lui enlever le rang distingué qui, par les qualités éminentes de ses habitans, lui revient parmi les Nations civilisées? Sera-t-il possible que ceux-là même qui naguère

dédaignaient la Nation Portugaise par sa décadence, et qui voulaient presque la reléguer aux frontières de l'Afrique, entreprissent aujourd'hui de la forcer à rester dans cet état d'abjection.

La prudence reconnue, la sagesse et la magnanimité des Princes de l'Europe; le respect qu'ils professent aux principes sévères de la morale publique et de l'impartiale justice; la juste déférence à l'opinion générale des hommes libres de toutes les Nations, et même la considération particulière que doit mériter un Peuple illustre, à qui le monde moderne doit, en grande partie, sa civilisation et ses progrès, sont en vérité des motifs de sûre confiance pour la Nation Portugaise, qui ne lui permettent pas de douter des dispositions pacifiques des Souverains, qui à la face de l'Europe ont établi pour base de leurs procédés les saintes maximes de la fraternité universelle, si recommandées dans le code sacré de l'Evangile.

Néanmoins, si malgré toutes ces considérations, leur espérance se trouvait frustrée, les Portugais, après avoir invoqué l'arbitre suprême des empires, comme témoin de leurs intentions, et comme protecteur de la justice de leur cause, emploieraient pour leur juste et nécessaire défense tous les moyens et toutes les forces qu'ils ont à leur disposition; ils soutiendraient leurs droits avec toute l'énergie d'un Peuple libre, avec tout l'enthousiasme qu'inspire l'amour de l'indépendance. Chaque Citoyen deviendrait soldat pour repousser l'aggression inique, pour maintenir l'honneur national, pour venger la Patrie outragée; et à la dernière extrémité, ils verraient ravager leurs champs, dévaster leurs Provinces, réduire leurs habitations à la plus déplorable ruine; exterminer jusqu'à leur nom, plutôt que de se soumettre à un joug étranger, ou de recevoir la loi des Nations, qui lui sont à la vérité supérieures en forces et en pouvoir, mais point en honneur, ni en dignité.

Le Peuple qui veut être libre, ne laisse jamais de l'être. Ce principe adopté en théorie est dérivé de l'élasticité naturelle du cœur humain et confirmé par des faits illustres de nos jours. Les Cabinets de l'Europe sont assez clairvoyans pour juger jusqu'à quel point peuvent se développer les ressources d'un Peuple honorable et vaillant, quand il se voit attaqué injustement dans ses droits les plus sacrés, et qu'il combat pour sa liberté et son indépendance. Les événemens récents de la dernière guerre ont montré à l'Europe étonnée que le caractère national des Portugais n'a point dégénéré de ce qu'il était du temps des Romains et des Arabes, et dans des époques plus modernes, et non moins glorieuses. Il se déploierait donc avec autant d'énergie et de constance, quand ce Peuple illustre eut à défendre tout ce qu'une Nation sensée et réfléchie peut tenir pour son plus vrai et plus solide intérêt. *Le Peuple Portugais aura une juste liberté, parcequ'il veut l'avoir.* Mais si, à force de malheur, la fortune lui refusait ce sort, il sera plutôt détruit que vaincu, ou subjugué. Aucun de ses Concitoyens ne survivra aux ruines de sa Patrie, aux ruines du bonheur public. Mais que les

Monarques et les Peuples prennent bien garde que l'injustice et l'immoralité d'une guerre, quelque heureux qu'en soient apparemment les résultats, ne peuvent jamais laisser d'être punies tôt ou tard par les lois invariables de l'ordre éternel, que le Suprême Arbitre du monde a prescrites à tous les êtres, et auxquelles ni la force, ni la grandeur, ni aucun pouvoir sur la terre, ne sauraient jamais se soustraire.

Lisbonne, le 15 Décembre 1820.

CORRESPONDENCE between The United States and Spain and Great Britain, on the subject of the African Slave Trade.—1818 to 1820.

Report of the Secretary of State.

Department of State, 4th January, 1821.

THE Secretary of State, to whom has been referred the Resolution of the House of Representatives, of the 4th ult. requesting the communication to that House of any Correspondence that the President does not deem it inexpedient to disclose, which may have existed between the Executive of The United States, and the Government of any of the Maritime Powers of Europe, in relation to the African Slave Trade, has the honour of submitting Copies of the Papers requested by the Resolution. With the exception of a Note from the late Spanish Minister Onís, communicating a Copy of the Treaty between Spain and Great Britain, on this subject, the only Government of Europe with whom there has been such Correspondence is that of Great Britain; and these Papers contain all that has passed between them on the subject, in writing. Since the arrival of Mr. Canning, various informal Conferences between him and the Secretary of State have been held, in which the proposals, on the part of Great Britain, have been fully discussed, without effecting a removal of the objections upon which the President had, in the first instance, found himself under the necessity of declining them. They have not yet terminated, nor have any written Communications passed on the subject, with the exception of the Note from Mr. Canning, and the answer to it, herewith submitted, both of a date subsequent to that of the Resolution of the House.

JOHN QUINCY ADAMS.

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(1.)—*Don Luis de Onis to Mr. Adams.—(Translation.)*

SIR,

Washington, 14th May, 1818.

THE introduction of Negro Slaves into America was one of the earliest measures adopted by the august Ancestors of the King, my Master, for the improvement and prosperity of those vast Dominions, very shortly after their discovery. The total inaptitude of the Indians to various useful, but painful labours, the result of their ignorance of all the conveniences of life, and their imperfect progress in civil society, made it necessary to have recourse to strong and active labourers for breaking up and cultivating the earth. With the double view of stimulating them to active exertion, and of promoting the population of those Countries, a measure was resorted to by Spain, which, although repugnant to her feelings, is not to be considered as having originated the system of Slavery, but as having materially alleviated the evils of that which already existed, in consequence of a barbarous practice of the Africans, upon saving the lives of a considerable portion of the captives in War, whom they formerly put to death. By the introduction of this system, the Negroes, far from suffering additional evils, or being subjected, while in a state of Slavery to a more painful life than when possessed of freedom in their own Country, obtained the inestimable advantage of a knowledge of the true God, and of all the benefits attendant on civilization.

The benevolent feelings of the Sovereigns of Spain did not, however, at any time permit their Subjects to carry on this trade but by special License; and in the years 1789, 1798, and on the 22d of April, 1804, certain limited periods were fixed for the importation of Slaves. Although the last term had not expired when His Majesty our Lord Don Ferdinand the VIIth was restored to the Throne, of which a perfidious Usurper had attempted to deprive him; His Majesty, on resuming the reins of Government, soon perceived that those remote Countries had become a prey to civil feuds; and, in reflecting on the most effectual means of restoring order, and affording them all the encouragement of which they are susceptible, His Majesty discovered that the numbers of the Native and Free Negroes had prodigiously

increased under the mild regimen of the Government, and the humane treatment of the Spanish Slave Owners,—that the white Population had also greatly increased; that the climate is not so noxious to them as it was before the lands were cleared; and, finally, that the advantages resulting to the Inhabitants of Africa, in being transported to cultivated Countries, are no longer so decided and exclusive, since England and The United States have engaged in the noble undertaking of civilizing them in their native Country.

All these considerations, combining with the desire entertained by His Majesty of co-operating with the Powers of Europe in putting an end to this traffic, which, if indefinitely continued, might involve them all in the most serious evils, have determined His Majesty to conclude a Treaty with the King of the United Kingdom of Great Britain and Ireland, by which the Abolition of the Slave Trade is stipulated and agreed on, under certain regulations; and I have received his commands to deliver to the President a Copy of the same,* His Majesty feeling confident that a measure so completely in harmony with the sentiments of this Government, and of all the Inhabitants of this Republic, cannot fail to be agreeable to him.

In the discharge of this satisfactory duty, I now transmit you the aforesaid Copy of the Treaty, which I request you will be pleased to lay before the President; and I have the honour to renew, &c.

God preserve you many years!

The Hon. John Quincy Adams.

LUIS DE ONIS.

(2).—*Mr. Rush to Mr. Adams.*

(Extract.)

London, 18th February, 1818.

You will probably have perceived, by the proceedings in the House of Commons, that Treaties have been formed between this Government and both Spain and Portugal,* securing, as far as may be done by Treaty, the final Abolition, after a specified time, not very remote, of the Slave Trade. Thus is a last hand to be put to the work of America, whose Legislators led the way, with Europe against them, in this transcendent moral reform. But it is a triumph, which as little the Courts as the Public of Europe seem willing, in any shape, to acknowledge. The palm is claimed by others. America is even placed in fault. In his speech on the Spanish Treaty, delivered in the House of Commons, on the 8th instant, Lord Castlereagh observed, that it was in vain for Britain, alone, to shut the door of her Colonies against the Slave Trade; for that, unless there was a concert of exclusion, the other Islands of the West Indies “and the southern *Provinces* of The United States would become the asylum and depot of it.” I gladly caught the opportunity of this accidental meeting with Lord Castlereagh, to say what could not have been otherwise than

* See Commercial Treaties. Vol. 2.

acceptable to the zeal for Abolition. I stated the nature of our Laws. I said, I felt sure that he would hear from me with pleasure, that it was upwards of 9 years since the traffic had been abolished throughout the Union; and that, so far had our Acts of Congress carried the prohibition, that to import even a single Slave into any of the States had, during the same period, been denounced as an offence, and subjected to unusually rigorous penalties of fine and imprisonment. His Lordship admitted the prohibitions, but intimated fears lest we could not enforce them, alluding to the recent state of things at Amelia. In the end, he invited me to look into all their Conventions with other Powers upon this subject, with a view to future conversation; adding, that he was well disposed himself to a proper concert of action between our 2 Governments, for the more effectual extirpation of the traffic.

I shall look into the Conventions accordingly, and wait the renewal of the topic. Whether policy would dictate any concert, is a point upon which, not being instructed, I will not presume to give any opinion. But I hope I do not misjudge in thinking that, for the present, I am merely bound to listen to, without seeking, any further conversation. I will take care punctually to communicate, for the President's information, whatever may be said to me, in like manner as my duty devolves it upon me to transmit this first sentiment so cursorily thrown out by Lord Castlereagh. It will be understood, that in adverting to our municipal prohibitions, I intended no advance to the point of National co-operation. It was barely for the sake of an incidental and gratuitous vindication, after a public remark, which, to say no more, was susceptible of unjust interpretations. On his allusion to Amelia Island, I reminded him that it was the very anxiety to prevent the illicit introduction of Slaves, that had formed a ruling motive with the President for breaking up, with the public force itself, the establishment at that place.

The Hon. J. Q. Adams.

RICHARD RUSH.

(3.)—*Mr. Rush to Mr. Adams.*

(Extract.)

London, 15th April, 1818.

HE (Lord Castlereagh) next spoke of the Slave Trade. The Government of Great Britain felt, he said, an increasing desire that the Government of The United States should lend itself to the measures of regulation going forward in Europe for its complete extirpation. These measures mean, in effect, a reciprocal submission to the right of search. He explained, by saying, that only to a limited number of the armed Vessels of each of the Maritime States would a power to search be deputed, while the exercise of it would be strictly forbidden to all others. It was contemplated, he continued, to form, out of an association of these armed Vessels, a species of Naval Police,

to be stationed chiefly in the African seas, and from whose harmonious and co-operating efforts the best results were anticipated. He added, that no peculiar structure or previous appearances in the Vessel searched, no presence of irons, or other presumptions of criminal intention, nothing but the actual finding of Slaves on board, was ever to authorize a seizure or detention. He said that they had lately pressed France upon the subject, and that there was no doubt of her eventual agreement. The recent vote in both her Chambers, on the broad principle of Abolition, he regarded as a full pledge of her ulterior steps.

I replied, that I was sure that the President would listen with an ear the most liberal to whatever distinct proposals were made, more especially as The United States had been long awake, as well to the moral guilt as to the political and social evils of the traffic, and had, as was known, aimed against it the denunciations of their own Laws. The distinct propositions, his Lordship gave me reason to think, would be made known, before long, through Mr. Bagot.

The Hon. J. Q. Adams.

RICHARD RUSH.

(4.)—*Mr. Rush to Mr. Adams.*

(Extract.)

London, 24th June, 1818.

IN 2 former Despatches I have mentioned what Lord Castlereagh has said to me relative to the Slave Trade. In my interview with him on the 11th of this month, he spoke of it in a manner more formal and definitive.

He first alluded to the late Treaties concluded between Great Britain and several of the Powers of Europe upon this subject. Entering into conversation upon their particular nature and provisions, he said that the period had arrived when it was the wish of the British Government, to invite the Government of The United States to join in the measures which Europe was so generally adopting, for the more perfect abolition of this traffic, and that it was now his design to submit through me Proposals to this effect. It will be perceived by my Despatch of the 15th April, that, at that period, it had been contemplated to make them through the channel of the English Mission at Washington. What may have led to a change in this respect, his Lordship did not state, nor did I deem it material to inquire.

It had occurred to him, he said, to make the proposals by sending me, accompanied by an Official Note, entire Copies of all the Treaties in question. They would best unfold the grounds and principles upon which a concert of action had already been settled by the States that were parties to them, and it was his intention to ask the accession of The United States, upon grounds and principles that were similar. He added, that he would willingly receive my suggestions as to any other course that might strike me as better adapted to the object. I

replied that none appeared to me more eligible, and that whenever he would enclose me the Treaties, I would lose no time in transmitting them for the consideration of the President.

It naturally occurred to me, during our conversation, that the detached and distant situation of The United States, if not other causes, might call for a modification in some parts of these Instruments, admitting that the broad principle of concert met approbation. His Lordship upon this point was full in assurances, that the British Government would be happy to listen to whatever modifications the Government of The United States might think fit to propose. Its anxious and only desire, he said, was to see a Convention formed that would prove free from all objection, and be conducive to the single and grand object to which both sides looked. He ended by expressing the belief which was felt, that the maritime co-operation of The United States would usefully contribute to the advancement of this great work of humanity.

Nothing further passed necessary to the full understanding of the overture, beyond what the Documents themselves and his Lordship's Note are calculated to afford. To these, I have therefore the honour to refer, as disclosing, in the most authentic and detailed manner, the whole views of the British Government upon this interesting subject.

The Hon. J. Q. Adams.

RICHARD RUSH.

(5.)—*Viscount Castlereagh to Mr. Rush.*

SIR,

Foreign Office, 20th June, 1818.

THE distinguished share which the Government of The United States has, from the earliest period, borne in advancing the cause of the abolition of the Slave Trade, makes the British Government desirous of submitting to their favourable consideration, whatever may appear to them calculated to bring about the final accomplishment of this great work of humanity.

The laudable anxiety with which you personally interest yourself in whatever is passing upon this important subject, will have led you to perceive, that, with the exception of the Crown of Portugal, all European States have now either actually prohibited the traffic in Slaves, to their Subjects, or fixed an early period for its cessation, whilst Portugal has also renounced it to the north of the Equator. From May, 1820, there will not be a Flag, which *can legally* cover this detested traffic to the north of the Line, and there is reason to hope, that the Portuguese may ere long also be prepared to abandon it to the south of the Equator; but so long as some effectual concert is not established amongst the principal Maritime Powers, for preventing their respective Flags from being made a cover for any illicit Slave Trade, there is but too much reason to fear (whatever be the state of the

Law upon this subject) that the evil will continue to exist, and, in proportion as it assumes a contraband form, that it will be carried on under the most aggravating circumstances of cruelty and desolation.

It is from a deep conviction of this truth, founded upon experience, that the British Government, in all its late Negotiations upon this subject, has endeavoured to combine a system of alliance for the suppression of this most nefarious practice, with the engagements which it has succeeded in contracting with the Governments of Spain and Portugal, for the total or partial abolition of the Slave-trade. I have now the honour to enclose to you Copies of the Treaties which have been happily concluded with those Powers,* together with the Acts which have recently passed the Legislature for carrying the same into execution.

I have also the satisfaction to transmit to you a Copy of a Treaty which has been recently concluded with the King of The Netherlands,* for the like purpose, though at too late a period in the Session to admit of its provisions receiving the sanction of Parliament. I am induced the more particularly to call your attention to this Convention, as it contains certain provisions which are calculated to limit, in some respects, the powers mutually conceded by the former Treaties, in a manner which, without essentially weakening their force, may render them more acceptable to the Contracting Parties.

The intimate knowledge which you possess of this whole subject, renders it unnecessary for me, in requesting you to bring these Documents to the observation of your Government, to accompany them with any more detailed explanation. What I have earnestly to beg of you is, to bring them under the serious consideration of the President; intimating to him the earnest wish of the British Government, that the exertions of the 2 States may be combined upon a somewhat similar principle, in order to put down this great moral disobedience, wherever it may be committed, to the Laws of both Countries. I am confident this cannot effectually be done, except by mutually conceding to each other's Ships of War a qualified right of search, with a power of detaining the Vessels of either State, with Slaves *actually on board*.

You will perceive, in these Conventions, a studious, and, I trust, a successful attempt, to narrow and limit this power within due bounds, and to guard it against perversion. If the American Government is disposed to enter into a similar concert, and can suggest any further regulations, the better to obviate abuse, this Government will be most ready to listen to any suggestion of this nature; their only object being to contribute, by every effort in their power, to put an end to this disgraceful traffic.

I am, &c.

Richard Rush, Esq.

CASTLEREAGH.

* See Commercial Treaties.

(6.)—*Mr. Rush to Viscount Castlereagh.*

MY LORD.

London, 23rd June, 1818.

I HAVE been honoured with your Lordship's Note of the 20th of this month, enclosing Copies of Treaties recently concluded between this Government and the Governments of Portugal, Spain, and The Netherlands, respectively, in relation to the Slave Trade, and designed to draw the attention of the Government of The United States to this subject, with a view to its co-operation upon principles similar to those held out in these Treaties, in measures that may tend to the more complete and universal abolition of the Traffic.

The United States, from an early day of their history, have regarded with deep and uniform abhorrence the existence of a traffic, attended by such complications of misery and guilt. Its transcendent evils roused throughout all ranks a corresponding zeal for their extirpation. One step followed another, until humanity triumphed, and against its continuance, under any shape, by their own Citizens, the most absolute prohibitions of their Code have, for a period of more than 10 Years, been rigorously, and, it is hoped, beneficially levelled. Your Lordship will pardon me this allusion to the earnest efforts of The United States to put down the trade within their own limits, falling in, as it merely does, with the tribute which you have been pleased to pay to their early exertions, in helping to dry up this prolific source of human woe.

Whether any causes may throw obstacles in the way of their uniting in that concert of external measures, in which Europe generally, and this Nation in particular, are now so happily engaged, the more effectually to banish from the world this great enormity, I dare not, in the total absence of all Instructions, presume to intimate; much less have I any opinion of my own to offer upon a subject so full of delicacy and interest. But it is still left for me to say, that I shall perform a duty peculiarly gratifying, in transmitting, by the earliest opportunities, Copies of your Lordship's Note, with the Documents which accompanied it, to my Government; and I sufficiently know the permanent sensibility which pervades all its councils upon this subject, to promise that the overture, which the former embraces, will receive from the President the full and anxious consideration due to its importance, and, above all, to the enlarged philanthropy on the part of this Government, by which it has been dictated.

I have the honour to be, &c.

Viscount Castlereagh.

RICHARD RUSH.

(7.)—*Mr. Adams to Messrs. Gallatin and Rush.*

Department of State, 2nd November, 1818.

See Page 220. "*Slave Trade.*"

(8)—*Mr. Rush to Viscount Castlereagh.*

London, 21st December, 1818.

THE Undersigned, Envoy Extraordinary and Minister Plenipotentiary from The United States, has the honor to present his compliments to Lord Castlereagh.

In the Note of the 23rd of June, which the Undersigned had the honor to address to his Lordship, in answer to his Lordship's Communication of the 20th of the same month, relative to the Slave Trade, the Undersigned had great pleasure in giving the assurance that he would transmit a Copy of that Communication to his Government, together with the Documents which accompanied it, being Copies of Treaties entered into on the part of Great Britain, with Spain, Portugal, and The Netherlands, for the more complete abolition of the odious Traffic in Slaves. He accordingly lost no time in fulfilling that duty, and has now the honour to inform his Lordship of the Instructions with which he has been furnished by his Government, in reply.

He has been distinctly commanded, in the first place, to make known the sensibility of the President to the friendly spirit of confidence in which these Treaties, and the legislative measures of Parliament founded upon them, have been communicated to The United States, and to the invitation which has been given, that they would join in the same or similar arrangements, the more effectually to accomplish the beneficial object to which they look. He is further commanded to give the strongest assurances, that the solicitude of The United States for the universal extirpation of this Traffic, continues with all the earnestness which has so long and steadily distinguished the course of their policy in relation to it. Of their general prohibitory Law of 1807, it is unnecessary that the Undersigned should speak, his Lordship being already apprized of its provisions; amongst which the authority to employ the National Force, as auxiliary to its execution, will not have escaped attention. But he has it in charge to make known, as a new pledge of their unremitting and active desire in the cause of abolition, that, so lately as the month of April last, another Act of Congress was passed, by which not only are the Citizens and Vessels of The United States interdicted from carrying on, or being in any way engaged in the trade, but in which also the best precautions that legislative Enactments can devise, or their penalties enforce, are raised up against the introduction into their Territories, of Slaves from Abroad, under whatever pretext attempted; and especially from Dominions which lie more immediately in their neighbourhood. A Copy of this Act is herewith enclosed for the more particular information of his Lordship. That peculiarity in the 8th Section, which throws upon a defendant the labour of proof, as the condition of acquittal, the Undersigned persuades himself will be regarded as signally manifesting an anxiety to suppress the hateful offence; departing, as it does, from the analogy of criminal

jurisprudence, which so generally requires the independent and positive establishment of guilt, as the first step in every public prosecution. To measures of such a character, thus early adopted, and sedulously pursued, the Undersigned is further commanded to say, that the Government of The United States, acting within the pale of its Constitutional Powers, will always be ready to superadd any others that experience may prove to be necessary for attaining the desirable end in view.

But, on examining the Provisions of the Treaties, which your Lordship honoured the Undersigned by communicating, it has appeared to the President, that their essential Articles are of a character not adapted to the circumstances, or to the Institutions, of The United States.

The power agreed to be given to the Ships of War, of either Party, to search, capture, and carry into Port for adjudication, the Merchant Vessels of the other, however qualified, is connected with the establishment, by each Treaty, of 2 Mixed Courts, one of which is to have its seat in the Colonial Possessions of the Parties respectively. The institution of such Tribunals is necessarily regarded as fundamental to the whole arrangement; whilst their peculiar structure is doubtless intended, and would seem to be, indispensable towards imparting to it a just reciprocity. But to this part of the system, The United States, having no Colonies upon the Coast of Africa, in the West Indies, or elsewhere, cannot give effect.

Moreover, the powers of Government in The United States, whilst they can only be exercised within the grants, are also subject to the restriction, of the Federal Constitution. By the latter Instrument, all judicial power is to be vested in a Supreme Court, and in such other Inferior Courts as Congress may, from time to time, ordain and establish. It further provides, that the Judges of these Courts shall hold their offices during good behaviour, and be removable on impeachment and conviction of crimes and misdemeanors. There are serious doubts whether, obeying the spirit of these injunctions, the Government of The United States would be competent to appear as party to the institution of a Court for carrying into execution their penal Statutes in places out of their own Territory—a Court consisting partly of Foreign Judges, not liable to impeachment under the authority of The United States, and deciding upon their Statutes without appeal.

Again. Obstacles would exist towards giving validity to the disposal of the Negroes found on board the Slave-trading Vessels condemned by the Sentence of the Mixed Courts. If they should be delivered over to the Government of The United States as Freemen, they could not but by their own consent be employed as servants or free labourers. The condition of Negroes, and other people of colour, in The United States, being regulated by the Municipal Laws of the separate States, the Government of the former could neither guarantee

their liberty in the States where they could only be received as Slaves, nor control them in the States where they would be recognized as free. The provisions of the 5th Section of the Act of Congress, which the Undersigned has the honour to enclose, will be seen to point to this obstacle, and may be taken as still further explanatory of its nature.

These are some of the principal reasons which arrest the assent of the President to the very frank and friendly overture contained in your Lordship's Communication. Having their foundation in constitutional impediments, the Government of His Britannic Majesty will know how to appreciate their force. It will be seen how compatible they are with the most earnest wishes on the part of The United States, that the measures concerted by these Treaties may bring about the total downfall of the Traffic in human blood; and with their determination to co-operate, to the utmost extent of their constitutional power, towards this great consummation, so imperiously due at the hands of all Nations to the past wrongs and sufferings of Africa.

The Undersigned prays, &c.

Viscount Castlereagh.

RICHARD RUSH.

(9.)—*Mr. Rush to Mr. Adams.*

(Extract.)

London, 5th March, 1819.

LORD Castlereagh sent me a few days ago the enclosed printed Parliamentary Document. It will be found to comprise a variety of interesting Papers relating to the Slave Trade, exhibiting all that has lately been done by the Powers of Europe upon the subject, and the actual and precise footing upon which it now stands. Its receipt was the first notice that I had, in any shape, of the fact of the publication, or of there being any intention to publish my Notes to this Government of the 23rd of June and 21st of December. It will be seen from one of the Papers, how unequivocal and animated has been the refusal of France to allow her Vessels to be boarded and searched at sea for Slaves. Now, there is nothing more evident, as may be collected from my Despatch of the 15th of last April, than that this is a result, which, at that period, Lord Castlereagh did not anticipate. Nevertheless, it would seem, from a passage in his Lordship's Letter to Lord Bathurst, from Paris, dated the 10th of December, the last Paper in the Collection, and written subsequently to all the Conferences and Declarations at Aix-la-Chapelle, that he still indulges a sanguine expectation, that "the French Government may be brought, at no distant period, to unite their *Naval* exertions with those of the other Allied Powers, for the suppression of the Trade."

Some of the evidence furnished by the African Society in London and from Sierra Leone, as to the extent in which the Trade continues to be unlawfully carried on, may probably command attention in The United States.

What Communications may, at any former periods, have been made to the Government of The United States, by the Government of France, Russia, or Prussia, through any channel, either in Europe, or at Washington, of their intentions in regard to this naval combination for putting down the traffic, I am not informed. It is impossible to refrain from remarking, that to me they remained utterly unknown until I saw them recorded in these pages of a Document given to the World by England.

The Hon. J. Q. Adams. RICHARD RUSH.

(10.)—*Mr. Rush to Mr. Adams.*

(Extract.)

London, 10th November, 1819.

ON the 7th of this month, I received a Note from Lord Castlereagh, requesting that I would call upon him at his house, on the 9th. I waited upon him at the hour appointed.

His object, he stated, was to say to me, that the Government of Great Britain had lost none of its anxiety to see produced among Nations, a more universal and effective co-operation than had yet been witnessed, for the total abolition of the Slave Trade. It was still carried on, he observed, to an extent that was afflicting. In some respects, as the evidence collected by the African Institution, and from other sources, would show, the voyages were marked by more than all their original outrages upon humanity. It was the intention of the Prince Regent again to invite The United States to negotiate upon the subject, in the hope, notwithstanding what had heretofore passed, that some practicable mode might still be adopted, by which they could consent to become party to the association for finally extirpating the traffic. That I was aware of the Addresses which had been presented to His Royal Highness, by both Houses of Parliament, at the close of the last Session, for the renewal of Negotiations with the Governments both of The United States and France, to effectuate this most desirable end. That it was his Lordship's design to enclose to me, at an early day, Copies of these Addresses, as a foundation upon which to build, in the new endeavour which this Government was now prepared to make. In doing so, his object, however, merely would be, that of bespeaking my interposition towards making known to the President the measure contemplated; since it was intended that all further Negotiation should be carried on at Washington. This he thought indispensable, after the past failure, as it could not be supposed, that I was prepared with any new authority or Instructions to resume it upon this side of the water. That the new Minister, Mr. Canning, who, his Lordship now informed me, was to sail as early in the spring as practicable, would accordingly have the whole subject in charge, and be prepared to enter upon it on his arrival, under ardent hopes for an auspicious termination to his labours.

I replied, that I would, in the same spirit as before, make known the Communication to my Government. I adverted again to the ob-

stacles which the Constitution of The United States interposed to the Project; and also to the peculiar and extreme caution with which the momentous question of Search, mingled with it, would be looked at throughout every part of the Country. I said, that these reasons superadded themselves to that derived from the failure of the attempt already made here, to give great propriety, as it struck me, to a change of the scene of Negotiation. That if any thing could be done, it could be done only, or at all events be done best, at Washington. That the President, I was sure, continued to possess all his original sensibility to the importance of the subject, and would entertain any proposals, differently modified, that were submitted, with the same anxious dispositions as ever, for a favorable result to their objects.

The conversation went off by a reference on my part to the Holy League. I remarked, that, as the Government of Great Britain had declared, that the principles of that League had its entire approbation, although it had not formally become a party to it, so The United States, acting within their constitutional limits, had long and earnestly striven, and would, it might be confidently affirmed, though restrained from going hand in hand with Europe, always continue their efforts in the same beneficent spirit, for putting down totally the Slave Trade. It is well known that the Earl of Liverpool, not longer ago than last February, described in the House of Peers, the character of this League, as well as the insurmountable impediment which held back this Country from signing it. He distinctly declared, that, as the signatures were all in the autograph of the respective Sovereigns, England, in point of form, could never accede to it; for it was not consistent with her Constitution, that the Prince Regent should himself sign such an Instrument, without the intervention of a responsible Minister. Upon my reminding Lord Castlereagh of this declaration, which I was the more ready to do, since it was your wish that the illustration should be brought into view, he candidly admitted, that we too, doubtless, had our constitutional embarrassments; but he nevertheless hoped, that such, and all others, might, by proper modifications of the plan, be overcome.

The Hon. J. Q. Adams.

RICHARD RUSH.

No. 11.—*Mr. Stratford Canning to Mr. Adams.*

Washington, 20th December, 1820.

No. 12.—*Mr. Adams to Mr. Stratford Canning.*

Washington, 30th December, 1820.

[See Vol. 1820—1821. Pages, 395, 397.]

**CONSTITUTION du Grand Duché de Hesse.—Darmstadt,
le 17 Décembre, 1820.**

(Traduction.)

LOUIS, par la Grâce de Dieu, Grand-Duc de Hesse, et sur le Rhin, &c. &c.

Après avoir eu connaissance des vœux manifestés sur les dispositions constitutionnelles par nos fidèles Etats, en conformité de l'Article XXI de notre Edit, du 18 Mars dernier, concernant la Constitution de l'Etat, et après avoir arrêté nos Résolutions en conséquence, nous jugeons à propos maintenant de rédiger en un seul Acte ces Résolutions, ainsi que les dispositions constitutionnelles de notre Edit du 18 Mars, auxquelles elles n'ont rien changé, et celles de la Loi des Elections, du Règlement des Chambres, de l'Edit sur le droit de Bourgeoisie d'Etat, et de celui sur les fonctions du service de l'Etat; et nous ordonnons en conséquence ce qui suit :

CONSTITUTION DU GRAND-DUCHÉ.

TITRE I.—Du Grand-Duché, et de son Gouvernement en général.

ART. I. Le Grand-Duché forme une des parties constitutives de la Confédération Germanique.

II. Les résolutions de la Diète, qui concernent en général les Rapports Constitutionnels de l'Allemagne ou les Rapports des Citoyens Allemands, forment une partie du droit public de la Hesse, et elles ont force de Loi dans le Grand-Duché aussitôt qu'elles ont été publiées au nom du Grand-Duc. Par là, on n'exclut pas néanmoins la co-opération des Etats relativement aux moyens de remplir les engagements de la Confédération, en tant que cette co-opération est fondée sur la Constitution.

III. Par la réunion de l'ancien et du nouveau Territoire, le Grand-Duché forme un tout soumis à une même Constitution.

IV. Le Grand-Duc est le Chef de l'Etat; il réunit en lui tous les droits de la Souveraineté, et il les exerce conformément aux dispositions réglées par lui et portées dans le présent Acte Constitutionnel. Sa Personne est sacrée et inviolable.

V. Le Gouvernement est héréditaire dans la Maison Grand-Ducale, suivant le droit de primogéniture et l'ordre de succession, par la descendance d'un mariage contracté entre personnes d'une naissance égale, avec le consentement du Grand-Duc. A défaut d'un Prince ayant droit de succéder par la parenté ou par une alliance pour la succession réciproque, le Gouvernement passe au sexe féminin. On suit les degrés de parenté avec le dernier Grand-Duc, et à degré égal, l'âge décide. Après ce changement passager, la ligne masculine reprend ses droits. Les dispositions ultérieures relatives à ces principes et celles concernant la Régence pendant la minorité, ou tout obstacle qui em-

pêcherait le Grand-Duc de gouverner, sont réglées par la Loi de famille, qui forme sous ce rapport une partie essentielle de la Constitution.

TITRE II.—*Des Domaines.*

VI. Un tiers de tous les Domaines évalués sur le produit moyen du revenu net, sera, d'après un choix fait par le Grand-Duc, affecté à l'amortissement de la Dette publique, et la vente en sera faite successivement.

VII. Les 2 autres tiers des Domaines formeront la propriété, inaliénable et libre de dettes, de la Maison Grand-Ducale. Toutefois les revenus de ce bien de famille, dont il sera tenu des comptes particuliers, seront portés sur le Budget et affectés aux Dépenses de l'Etat, après que les sommes nécessaires pour subvenir aux besoins de la Maison Grand-Ducale et de la Cour, auront été prélevées. Aucune partie de cette propriété ne peut être grevée d'hypothèques sans le consentement des Etats.

VIII. En cas d'acquisitions ultérieures à faire, les *titres d'acquisitions* en vertu desquels elles ont été faites, serviront à décider la question de savoir si elles doivent être considérées comme propriété de la famille Grand-Ducale, ou comme propriété de l'Etat.

IX. L'inaliénabilité prononcée par l'Article VII ne s'étend ni à des transactions que le Gouvernement pourrait faire avec des Gouvernements étrangers, ni à la vente d'édifices sans utilité, ou de terres situées sur un territoire étranger, ni à des échanges qui pourraient être jugées nécessaires. Dans tous ces cas, il sera présenté aux Chambres un relevé des sommes provenant des ventes, ou de la valeur des biensfonds contre lesquels on fait l'échange.

X. L'Article IX est applicable aussi à la portion des Domaines affectés à l'amortissement de la Dette publique, lorsqu'après l'amortissement de la Dette il ne sera plus nécessaire de verser le produit de ces aliénations dans la caisse d'amortissement.

XI. Le Grand-Duc a le droit de donner à de nouveaux feudataires l'investiture des fiefs qui sont retournés à la Couronne.

TITRE III.—*Des droits et des obligations des Hessois.*

XII. La jouissance des droits civils tant publics, ou droits de Bourgeois d'Etat, (*staats Burgerrechts*) que privés, dans le Grand-Duché, n'appartient qu'aux indigènes.

XIII. L'indigénat s'acquiert, 1°. par la *naissance*, pour ceux dont le père et la mère étaient indigènes au moment de la naissance de l'individu; 2°. par le mariage que contracte une étrangère avec un indigène; 3°. par l'exercice de fonctions publiques; 4°. par la naturalisation.

XIV. Sont Bourgeois d'Etat, les indigènes mâles ayant atteint l'âge de majorité, qui ne sont Sujets d'aucun Etat étranger, et qui

habitent le Grand Duché au moins depuis 3 ans. Les chefs de familles seigneuriales actuelles qui se trouvent en possession d'une ou plusieurs seigneuries, ont le droit de Bourgeoisie d'Etat, quoiqu'ils soient personnellement dans les rapports de sujet avec un Souverain étranger.

XV. Les Sujets non chrétiens ont ce même droit lorsque la Loi le leur a conféré, ou lorsqu'il leur a été accordé, soit expressément, soit licitement, par la collation des fonctions publiques.

XVI. Toute condamnation légale à une peine afflictive entraîne la perte des droits de Bourgeois d'Etat. L'exercice de ces droits est temporairement suspendu, 1°. par la mise en prévention au criminel ou par une enquête spéciale; 2°. par une faillite (jusqu'au moment où les créanciers sont complètement satisfaits); 3°. la mise sous curatelle (pendant tout le temps de sa durée); 4°. enfin par l'état de domesticité (pour tout le temps que l'individu en question est domestique.)

XVII. Le droit d'indigénat se perd; 1°. par l'émigration; 2°. par le mariage qu'une indigène contracte avec un étranger. Cependant la veuve d'un étranger recouvre l'indigénat, lorsque pendant son mariage elle a continué d'habiter le Grand-Duché, ou qu'après le décès de son mari elle y est retournée de l'aveu du Gouvernement, et après avoir déclaré l'intention où elle est d'y fixer son domicile.

XVIII. Tous les Hessois sont égaux devant la Loi.

XIX. La naissance n'accorde à personne le droit de remplir des fonctions publiques quelconques.

XX. La différence des confessions Chrétiennes dans le Grand-Duché n'apporte aucune modification aux droits, soit politiques soit civils.

XXI. L'exercice libre et public de leur culte est accordé à toutes les confessions chrétiennes reconnues dans le Grand-Duché.

XXII. La liberté pleine et entière de conscience est assurée à tout habitant du Grand Duché. Cependant, cette liberté de conscience ne doit jamais devenir un prétexte pour se soustraire à aucune des obligations que la Loi impose.

XXIII. La liberté individuelle et la propriété sont garanties dans le Grand Duché, sans autre restriction que celle qu'y apportent les Lois.

XXIV. Tout Hessois a le droit d'émigrer, en se conformant aux dispositions de la Loi.

XXV. D'après les Lois déjà existantes à cet égard, la servitude personnelle est à jamais abolie.

XXVI. Les corvées indéterminées ne peuvent jamais être exigées, et les corvées déterminées sont rachetables.

XXVII. Le Gouvernement ne peut disposer d'une propriété particulière pour un but d'utilité publique, que moyennant une indemnité préalable, réglée par les Lois.

XXVIII. Dans les cas urgens, tout Hessois a l'obligation de défendre la Patrie et peut être appelé sous les Drapeaux.

XXIX. Tout Hessois pour lequel il n'existe pas d'exception constitutionnelle est tenu de concourir au service militaire ordinaire. En cas d'appel pour remplir cette obligation, le sort décide entre ceux sur lesquels cette obligation pèse également ; cependant il est permis de se faire remplacer.

XXX. Tous les Hessois ont une obligation égale de supporter les charges de l'Etat, à moins qu'ils ne puissent faire valoir une exception constitutionnelle en leur faveur.

XXXI. Personne ne peut être soustrait à son Juge légal.

XXXII. Le matériel de l'administration de la justice, et la procédure, dans les bornes de ses formes légales et de sa sphère, activité voulue par la Loi, sont indépendans de l'influence du Gouvernement.

XXXIII. Aucun Hessois ne peut être arrêté, ni puni autrement que dans les cas prévus par la Loi, et en vertu des formes qu'elle détermine. Personne ne doit être laissé dans l'incertitude plus de 48 heures sur le motif de son arrestation ; et lorsque cette arrestation a été effectuée par une autorité qui n'est pas l'autorité compétente du détenu, ses Juges naturels en seront informés dans le plus bref délai.

XXXIV. Les juges ne peuvent être destitués que par un jugement légal : on ne peut les forcer à donner leur démission, et en cas de mutation, leur grade ainsi que leurs appointemens doivent leur être conservés. Cependant les Directeurs des *Collèges de Justice* restent soumis aux dispositions de la *pragmatique de service* (*dienstpragmatig*.)

XXXV. La presse ainsi que la librairie sont libres dans le Grand-Duché. Cependant l'une et l'autre sont soumises aux Lois répressives, soit existantes, soit à promulguer par la suite.

XXXVI. Tout Hessois est libre de choisir un état ou profession, et sous la réserve des dispositions que contiennent les Lois au sujet des Fonctionnaires publics, chacun est libre de se former pour l'état auquel il se destine, soit dans le Grand-Duché même, soit dans un Pays étranger.

TITRE IV.—*Des Privilèges de la Noblesse.*

XXXVII. Les rapports des droits dont jouissent les membres des familles dites *seigneuriales* (*handesherren*) de n'être point jugés par les Tribunaux ordinaires, sont déterminés par l'Edit du 17 Février, 1820, Edit qui fait partie intégrante de la Constitution.

XXXVIII. Les rapports particuliers des droits de la Noblesse sont mis sous la protection de la Constitution.

TITRE V.—*Des Eglises, des Etablissmens d'Instruction et de Bienfaisance.*

XXXIX. La Constitution intérieure des églises jouit aussi de la protection de la Constitution politique.

XL. On ne peut publier ni exécuter aucun règlement de l'autorité Ecclésiastique, sans que le Grand-Duc en ait préalablement connaissance, et y donne son assentiment.

XLI. Les Ecclésiastiques sont soumis à l'autorité séculière dans leurs rapports civils, et pour les actions coupables qui ne sont pas uniquement des fautes relatives à leurs fonctions.

XLII. On peut porter en tout temps devant le Gouvernement les griefs qui concernent l'abus de l'autorité Ecclésiastique.

XLIII. Les biens des églises, ceux des fondations reconnues par l'Etat, les établissemens de bienfaisance et des différentes classes d'instruction publique, jouissent de la protection particulière de l'Etat, et ne peuvent en aucun cas être incorporés aux finances du Grand-Duché.

XLIV. Les fonds des établissemens de bienfaisance qui ont la liberté, le culte et l'instruction publique pour objet, ne peuvent, qu'avec le consentement des Etats, être employés à une autre destination.

TITRE VI.—*Des Communes.*

XLV. Les affaires des Communes seront réglées par une Loi, qui posera pour base l'administration propre et indépendante de leurs biens, sous la surveillance de l'Etat, par des Délégués qu'ils choisiront. Les dispositions fondamentales de cette Loi feront partie de la Constitution.

XLVI. Les biens des Communes ne peuvent dans aucun cas être incorporés dans les Finances de l'Etat.

TITRE VII.—*Du Service de l'Etat.*

XLVII. Personne ne peut obtenir un emploi public sans avoir prouvé sa capacité, en subissant un examen convenable. Il y aura exception à cette règle pour ceux qui auront déjà fait preuve de capacité en occupant des emplois à l'étranger.

XLVIII. Il n'y aura point de survivance pour les emplois publics.

XLIX. Les dispositions légales qui accordent des pensions aux Fonctionnaires d'Etat, et leurs droits relativement aux caisses établies pour les veuves et les orphelins, sont sous la garantie de la Constitution. Les droits des militaires aux pensions légales, réglées par la pragmatique sur le service (*dienstpragmatig*) jouissent aussi spécialement de cette garantie.

L. Les enquêtes contre les Fonctionnaires d'Etat, pour prévarication, ne peuvent pas être supprimées, et les Fonctionnaires qui ont été destitués par un jugement qui a déclaré expressément qu'ils ne pouvaient plus rentrer au service de l'Etat, ne seront jamais revêtus d'aucun emploi.

TITRE VIII.—*Des Etats.*

LI. Les Etats du Grand-Duché forment 2 Chambres.

LII. La première est composée: 1°. des Princes de la famille Grand-Ducale; 2°. des Chefs des familles seigneuriales qui se trouvent en possession d'une ou plusieurs seigneuries, d'après le § 16 du nouvel Edit sur les rapports seigneuriaux; 3°. du Sénieur de la famille des Barons de Riedesel; 4°. de l'Evêque Catholique du Pays. En cas de vacance du siège, le Grand-Duc chargera un Ecclésiastique distingué de remplacer l'Evêque à l'assemblée des Etats. 5°. D'un Ecclésiastique Protestant, que le Grand-Duc nommera à cet effet pour y siéger sa vie durant, en lui conférant en même temps la dignité de Prélat; 6°. du Chancelier de l'Université du Pays ou de son Suppléant; 7°. des Bourgeois d'Etat distingués que le Grand-Duc appellera à être Membres de l'Assemblée, leur vie durant. Ces nominations ne seront pas étendues au delà de 10 Membres.

LIII. La seconde Chambre est composée: 1°. de 6 Députés que la Noblesse suffisamment possessionnée dans le Grand-Duché, choisira dans son sein; 2°. de 10 Députés des Villes auxquelles, par égard pour les intérêts du commerce ou d'anciens souvenirs estimables, il est accordé un droit d'élection. Ces Villes sont: la résidence de Darmstadt et Mayence, qui élisent chacune 2 Députés; Giessen, Offenbach, Friedberg, Alsfeld, Worms et Bingen; chacune de ces Villes nomme 1 Député; 3°. de 34 Députés qui seront choisis par Arrondissemens formés des Villes qui n'ont pas un droit particulier d'élection et des Communes des campagnes. Les conditions relatives au droit d'élection et à la manière de l'exercer seront fixées par des réglemens particuliers.

LIV. Les Membres nés de la première Chambre ne peuvent faire usage de leurs droits qu'autant qu'ils ont 25 ans accomplis, et qu'aucun obstacle légal ne s'oppose à ce qu'ils exercent leurs droits de Bourgeois d'Etat (*staatsburger*.)

LV. Les Députés de la seconde Chambre doivent être Bourgeois d'Etat, avoir 30 ans révolus, et posséder un revenu suffisant pour leur assurer une existence indépendante. Dans les élections de la Noblesse, on considérera comme ayant ce revenu tout noble propriétaire foncier, qui paie annuellement 300 florins d'impôt direct pour un bien dont il a la propriété ou l'usufruit; pour les autres élections, on exige que le Membre éligible paie tous les ans 100 florins d'impositions directes, ou qu'en qualité de Fonctionnaire de l'Etat il reçoive un traitement annuel de 1000 florins; si cependant il ne se trouvait pas dans un Arrondissement d'élection 25 éligibles payant 100 florins d'impositions directes, ce nombre doit être complété par les plus imposés de l'Arrondissement, et qui seront éligibles pour tout le Pays.

LVI. Tous les propriétaires fonciers nobles qui paient 300 florins d'impositions directes, et qui ont 30 ans révolus, peuvent prendre part aux élections de la Noblesse. Les Membres de la première Chambre ne peuvent pas y prendre part en qualité d'électeurs.

LVII. La nomination des Députés des Villes et des Districts d'élec-

tion a lieu au moyen de 3 degrés d'élection. La première élection nomme les fondés de pouvoirs ; ceux-ci choisissent les Electeurs ; et ces derniers nomment les Députés. Les 60 Bourgeois d'Etat les plus imposés, domiciliés dans le District, et ayant au moins 30 ans, sont habiles à être nommés Electeurs. Le nombre des Electeurs à nommer pour chaque District ou pour chaque Ville, soit qu'elle ait 1 ou 2 Députés à choisir, est fixé à 25. Un Membre de la première Chambre, ou un individu habile à voter, ou un éligible dans les élections de la Noblesse, ne peuvent prendre part à aucune des élections réglées dans cet Article.

LVIII. Un Membre de la première Chambre ne peut pas être élu pour la seconde.

LIX. Toutes les élections des Députés se font pour 6 ans. Mais il n'est pas défendu, à l'échéance de ce terme, de réélire un Membre pour 6 autres années. Pendant cet intervalle, il n'y aura un nouveau choix de Députés, pour le reste des années, que dans les cas suivans : 1°. lorsqu'un Député meurt ou devient incapable de remplir ses fonctions ; 2°. lorsqu'un Député n'accepte point sa nomination ; mais ce refus ne lui est permis qu'en cas de maladie attestée par un Médecin, ou lorsque des affaires de famille exigent, d'après le témoignage des Autorités, la présence personnelle du Membre élu. Cette règle est aussi obligatoire pour les Fonctionnaires d'Etat, lorsqu'on ne leur accorde pas un congé. Des changemens survenus dans la quote d'impositions, ou dans les rapports de service pendant la durée d'une Assemblée, ne rendent point inhabile pour cette Assemblée, excepté le cas de la destitution d'un emploi, de la suspension de ses fonctions ou de son traitement, de la perte ou de la suspension des droits de la Bourgeoisie d'Etat.

LX. Aucun Membre de l'une ou l'autre Chambre ne peut y siéger, s'il a comparu devant un Tribunal pour des crimes ou des délits qui ne sont pas uniquement du ressort de la police, à moins qu'il n'ait été entièrement absous.

LXI. On ne peut, ni dans la première, ni dans la seconde Chambre, exercer le droit de voter par un Suppléant, ou recevoir des instructions pour son vote. Dans le cas néanmoins où un Seigneur est empêché de voter personnellement par cause de minorité ou de curatelle, l'agnat, tuteur ou curateur, peut le remplacer, pourvu qu'il ait toutes les qualités à ce nécessaires. Si un Seigneur est empêché par des motifs qui dispensent aussi, dans la seconde Chambre, d'assister aux séances, et que la première Chambre juge ces motifs suffisans, il peut également se faire remplacer pour la Session par le plus proche agnat, qui réunit les qualités nécessaires. Le Sénieur de la famille des Barons de Riedesel a le même droit aux mêmes conditions. Mais un tel Suppléant ne peut jamais agir d'après des instructions ; et il ne peut pas, plus qu'un Membre qui a lui-même le droit de voter, représenter plusieurs votans.

LXII. Les Membres du Conseil Privé d'Etat, et les Commissaires nommés pour les Etats, ont la libre entrée aux séances, mais n'ont pas le droit de voter.

LXIII. Le Grand-Duc a seul le droit de convoquer, de proroger, de dissoudre, et de clore, l'Assemblée des Etats. Une réunion arbitraire des Etats sans convocation, ou après la clôture, l'ajournement ou la dissolution, est contraire aux Lois et coupable.

LXIV. Le Grand Duc convoquera les Etats au moins tous les 3 ans. En cas de dissolution, il convoquera une nouvelle Assemblée dans le terme de 6 mois.

LXV. La dissolution de l'Assemblée éteint tous les droits résultans des élections précédentes, et il doit y en avoir des nouvelles pour l'Assemblée des Etats nouvellement convoqués. Les Députés antérieurement choisis sont néanmoins éligibles à ces élections.

LXVI. Les Etats ne sont autorisés à s'occuper que des objets, que les Articles suivans placent dans la sphère de leurs attributions; s'ils outrepassent leurs attributions, cela doit être considéré comme une réunion effectuée arbitrairement.

LXVII. Il ne peut être imposé, ni levé, sans le consentement des Etats, aucune contribution directe ou indirecte. La Loi des Finances, qui est toujours rendue pour 3 ans, doit être d'abord présentée à la seconde Chambre; celle-ci après en avoir conféré confidentiellement avec la première Chambre, par l'organe des Comités, prendra ses résolutions sur cet objet. La première Chambre ne peut adopter ou rejeter ces résolutions de la seconde qu'en totalité. Si elle les rejette, la Loi des Finances sera discutée dans une Assemblée des 2 Chambres réunies, qui aura pour Président celui de la première Chambre, et la résolution sera rendue à la majorité absolue des voix.

LXVIII. Aucune des 2 Chambres ne peut mettre à son adhésion, à cet égard, la condition de l'accomplissement de quelques désirs particuliers. Cependant les 2 Chambres sont autorisées à demander non-seulement un tableau complet des besoins de l'Etat, accompagné de Documens, mais encore un exposé satisfaisant de l'emploi des sommes antérieurement consenties.

LXIX. Les Taxes, dans le cas où elles n'auraient pas été imposées seulement pour un but passager, et qui serait déjà rempli, continueront d'être perçues encore 6 mois après le terme pour lequel elles auront été consenties. Si l'Assemblée des Etats est dissoute avant qu'une nouvelle Loi de Finances ait été rendue, ou si les délibérations des Etats tirent en longueur, ces 6 mois seront néanmoins comptés dans la nouvelle période de Finances.

LXX. La Liste Civile ne peut être, pendant le Règne d'un Grand-Duc, ni diminuée sans son consentement, ni augmentée sans celui des Etats.

LXXI. Dans des cas extraordinaires, où des dangers extérieurs

exigent que l'on rassemble promptement des capitaux, et où les circonstances extérieures rendent impossible la convocation des Etats, ou une délibération préalable avec eux, le Gouvernement pourra emprunter les sommes nécessaires, sous la réserve d'en justifier l'emploi, et sous la responsabilité des premières Autorités de l'Etat.

LXXII. Aucune Loi, même celles qui sont relatives à la police du Pays, ne peut être ni rendue, ni supprimée ou modifiée, sans le consentement des Etats.

LXXIII. Le Grand-Duc a le droit d'arrêter, sans la coopération des Etats, les réglemens et les mesures nécessaires pour l'exécution et le maintien des Lois, ainsi que ceux qui résultent du droit de surveillance et d'administration, et de faire, dans les cas urgens, tout ce qui est nécessaire pour la sûreté de l'Etat.

LXXIV. Le Grand-Duc a exclusivement et sans la coopération des Etats, le droit de disposer de la Force Militaire, de régler sa formation, sa discipline, et de rendre toutes les Ordonnances relatives au Service Militaire. Le Code Pénal Militaire existant, et celui qui doit être donné par le Grand Duc pour les Officiers, ne peut néanmoins, en tant qu'il ne se rapporte point aux objets désignés, recevoir à l'avenir aucune modification, sans la coopération des Etats.

LXXV. Si une seule Chambre vote contre un Projet de Loi, la Loi est ajournée ; mais si cette Loi présentée de nouveau par le Gouvernement aux Etats, dans la Session suivante, est rejetée encore par l'une des 2 Chambres, et adoptée par l'autre, alors, à moins que le Gouvernement ne préfère retirer son Projet de Loi, on comptera dans les 2 Chambres les voix pour et contre l'acceptation de la Loi, et l'on décidera d'après la pluralité des voix.

LXXVI. Les Projets de Loi ne peuvent être présentés que par le Grand-Duc aux Etats, et les Etats ne peuvent pas en présenter au Grand-Duc ; mais ils peuvent par voie de Pétition demander de nouvelles Lois, ainsi que des modifications ou la suppression des Lois existantes.

LXXVII. On ne peut ordonner que par une Loi, des levées pour augmenter le nombre des Troupes au delà du contingent prescrit pour la Confédération ; néanmoins le Gouvernement a le droit de prendre, dans les cas urgens, les mesures nécessaires pour la sûreté et la conservation de l'Etat.

LXXVIII. Toute la Dette de l'Etat, qui ne peut être jamais augmentée sans le consentement des Etats, est garantie comme telle par la Constitution. La Loi d'amortissement fixe le mode de son remboursement.

LXXIX. Les Chambres ont le droit de faire au Grand-Duc toutes les propositions que, d'après une résolution, elles croient de nature à lui être présentées, telles que des griefs ou des vœux qui leur sont communs.

LXXX. Les Chambres ont particulièrement le droit de porter devant le Grand Duc, de la manière réglée par l'Article précédent, les griefs qu'elles croiraient devoir produire contre la conduite des Fonctionnaires d'Etat.

LXXXI. Les Particuliers et les Corporations ne peuvent s'adresser aux Chambres que lorsqu'ils se croient lésés ou opprimés d'une manière illégale et injuste, en ce qui concerne leurs intérêts individuels, et lorsqu'ils peuvent prouver en même temps qu'ils ont en vain suivi les voies légales et constitutionnelles pour obtenir des Autorités le redressement de leurs griefs. Une Pétition de ce genre peut, si les Etats ne la rejettent pas de suite comme non fondée, ou après les éclaircissemens que leur aurait donnés le Ministère Privé d'Etat ou les Commissaires de l'Assemblée, leur donner lieu de faire usage du droit de plainte, énoncé dans les Articles précédens. Les Corporations et les Particuliers ne peuvent avoir le droit de pétition relativement à des intérêts politiques généraux qu'il n'appartient qu'aux Etats de garantir, et toute réunion d'Individus ou de Corporations pour un tel but est illégale et punissable.

LXXXII. Si une Chambre n'adhérait point à la décision de l'autre sur une pétition ou une plainte, celle-ci est libre de donner connaissance au Gouvernement de la pétition ou de la plainte par les voies de communication ordinaires, en ajoutant qu'elles ont été communiquées à l'autre Chambre, mais qu'elle y a refusé son adhésion.

LXXXIII. Les Etats ne sont pas responsables pour le contenu de leurs votes librement émis. Mais le droit de manifester librement son opinion ne met point à l'abri du reproche de calomnie, dont les Particuliers pourraient trouver le sujet dans cette manifestation. Les Individus conservent, dans ce cas, le droit que la Loi leur accorde de porter plainte contre les Calomniateurs. Les plaintes de ce genre doivent être portées devant le Collège de Justice de la Province, où se tient l'Assemblée des Etats.

LXXXIV. Pendant la durée de l'Assemblée toutes les Personnes qui en font partie ne peuvent être soumises à aucune espèce d'arrestation, que du consentement de la Chambre à laquelle elles appartiennent, excepté dans le cas où elles seraient prises en flagrant délit, auquel cas on doit en donner aussitôt connaissance à la Chambre dont le detenu fait partie, et lui exposer les motifs de l'arrestation.

LXXXV. Le Grand-Duc nomme le 1^{er} Président de la 1^{ère} Chambre pour toute la durée de l'Assemblée des Etats. Aussitôt qu'un tiers des Membres qui ont dû être appelés et qui auraient pu arriver, se trouve réuni, le Commissaire Grand-Ducal rassemble la Chambre pour la constituer provisoirement : ensuite, sous la direction du 1^{er} Président, ou s'il n'était pas encore nommé, sous celle du Commissaire, elle présentera au Grand Duc 3 Membres, pour le choix du 2nd Président pour la Session, après quoi elle procédera au choix de 2 Secrétaires pour le temps de sa durée.

LXXXVI. La seconde Chambre peut, aussitôt qu'il s'y trouve réunis 27 Membres, dont l'admission n'est sujette à aucun doute, être constituée provisoirement; ce qui sera exécuté par la Commission d'Installation. Lors de la convocation d'une Assemblée pour laquelle il faudra faire de nouveau choix, on procédera de suite, sous la direction de la Commission d'Installation au choix de 6 Membres, qui seront proposés au Grand-Duc, pour la nomination du 1^{er} et du 2nd Présidens. Mais lors de la convocation d'une Assemblée sans nouveau choix, la Commission assignera provisoirement le fauteuil du Président au plus ancien Membre de la Chambre, pour procéder avec le concours de 2 Secrétaires, qu'il nommera à cet effet, au choix des 6 Membres, qui doivent être proposés pour les places de Président. Aussitôt que les Présidens seront nommés pour la Session, l'on procédera au choix des Secrétaires pour la même Session.

LXXXVII. La décision définitive sur la validité des choix, sur l'admission, le refus ou la destitution des Membres des Chambres, est de la compétence de chacune d'elles, aussitôt que l'Assemblée des Etats est ouverte.

LXXXVIII. L'ouverture se fait pour les 2 Chambres, en même temps par le Grand-Duc en personne, ou par un Commissaire qu'il aura nommé à cet effet. Les nouveaux Membres entrant prêteront dans cette séance d'ouverture le serment suivant: "Je jure fidélité au Grand-Duc, obéissance à la Loi, de suivre exactement la Constitution, et de ne consulter dans les délibérations de l'Assemblée que le bien général d'après ma propre conviction, qui ne sera déterminée par aucune recommandation." Les Membres qui entreront postérieurement à l'ouverture de l'Assemblée, prêteront ce serment entre les mains du Président de leur Chambre.

LXXXIX. Les propositions du Gouvernement seront communiquées aux Chambres, ou à celle des 2 qui doit en délibérer la première, par des Membres du Ministère d'Etat, ou par les Commissaires de l'Assemblée.

XC. Chaque Membre des Etats a le droit de faire, dans la Chambre dont il fait partie, des motions sur des objets qui appartiennent à la sphère d'attribution des Chambres.

XCI. Les propositions du Gouvernement, celles d'une des 2 Chambres, ou d'un de ses Membres, qui auront été rejetées par l'autre Chambre, ne peuvent être reproduites dans la même Session.

XCII. Le travail préparatoire des délibérations se fait par des Comités.

XCIII. Pour qu'une résolution soit valide, il faut dans la 1^{ère} Chambre les votes d'un tiers au moins des Membres qui ont dû être convoqués et qui auraient pu se trouver à l'Assemblée. Dans la seconde, les votes d'au moins 27 Membres, et dans les 2 Chambres la majorité de voix. Lorsqu'il y a égalité de voix pour et contre une proposition

faite par le Gouvernement, on décide en faveur de celle-ci ; pour d'autres objets, on suit l'opinion conforme à l'ordre de choses existant, et lorsqu'il s'agit de griefs contre des Autorités Publiques, ou contre des particuliers, on adopte l'opinion qui leur est la plus favorable.

XCIV. Lorsqu'une Chambre n'est point complète au degré requis par l'Article précédent pour rendre une résolution valide, la Chambre non complète est censée consentir aux résolutions de celle qui l'est.

XCV. Les Chambres ne peuvent délibérer en commun, excepté dans des cas spécialement déterminés, mais elles doivent seulement se communiquer réciproquement les résolutions qu'elles ont rendues. Cependant il est permis à chaque Comité d'une Chambre de se concerter avec le Comité correspondant de l'autre Chambre, dans le cas où l'objet a été soumis à la délibération des 2 Chambres, ou par une proposition du Gouvernement, ou par la communication de la résolution de l'autre Chambre.

XCVI. Les Etats ne peuvent se concerter avec aucune autre Autorité que le Ministère Privé d'Etat, et les Commissaires nommés pour l'Assemblée. Les Comités doivent s'entendre avec les Membres du Ministère Privé et les Commissaires pour avoir les renseignements dont ils ont besoin, ou pour rapprocher des opinions divergentes.

XCVII. Toutes les résolutions d'une Chambre doivent être communiquées à l'autre pour qu'elle en délibère également, à moins qu'elles ne concernent des objets sur lesquels, d'après la Constitution, la résolution d'une Chambre peut être mise en vigueur indépendamment de celle de l'autre.

XCVIII. Les résolutions communes des 2 Chambres sont remises par une Députation commune au Grand-Duc, ou à un Commissaire nommé par lui pour les recevoir.

XCIX. Les Chambres feront imprimer leurs discussions, à moins qu'elles n'aient pour objet des communications confidentielles du Gouvernement ou de l'autre Chambre, ou bien qu'elles n'aient du rapport avec ces communications.

C. Dans cette même supposition, elles ont le droit d'admettre à leurs séances un nombre déterminé d'auditeurs, suivant les dispositions réglementaires existantes, ou qui seront résolues à l'avenir à cet égard.

CI. Le Grand-Duc fera la clôture de l'Assemblée, ou en personne, ou par un Commissaire qu'il en aura spécialement chargé, et ensuite il fera publier le Recez de l'Assemblée, après l'avoir préalablement communiqué aux Etats.

TITRE IX.—*Dispositions générales.*

CII. Dans tous les rapports de droit privé, le fisc passe avant les Tribunaux.

CIII. Il y aura un Code Civil, un Code Pénal, et un Code de Procédure pour tout le Grand-Duché.

CIV. Il n'y aura point de privilèges exclusifs pour le commerce et l'industrie, excepté en vertu d'une Loi particulière.

CV. La peine de la confiscation générale de toute la fortune est abolie pour toujours. La Loi déterminera les peines plus convenables qui lui seront substituées.

TITRE X.—De la Garantie de la Constitution.

CVI. Chaque Grand-Duc, lors de son avènement à la Régence, donnera aux Etats, par un acte qui leur sera remis, et qui sera déposé aux archives, l'assurance qu'il maintiendra invariablement la Constitution.

CVII. En cas de minorité ou de toute autre cause qui empêcherait le Grand-Duc de gouverner lui-même, le Régent, lorsqu'il prendra en main les rênes du Gouvernement, prêtera dans une Assemblée des Etats convoquée à cet effet, le serment suivant: "Je jure de gouverner l'Etat d'une manière conforme à la Constitution et aux Lois, de maintenir l'intégrité du Grand-Duché et les droits de la Couronne, et de remettre fidèlement au Grand-Duc l'autorité dont l'exercice m'a été confié."

CVIII. Tous les Bourgeois d'Etat, en établissant leur domicile dans le Pays, et en prêtant foi et hommage, ainsi que tous les Fonctionnaires de l'Etat, lors de leur installation, sont tenus de prêter, s'ils ne l'ont pas déjà fait, le serment suivant: "Je jure d'être fidèle au Grand-Duc, d'obéir à la Loi, et d'observer la Constitution de l'Etat."

CIX. Les Ministres d'Etat du Grand-Duché et tous les autres Fonctionnaires, lorsqu'ils n'agissent pas d'après les ordres d'Autorités supérieures, sont responsables de l'observation exacte de la Constitution, chacun dans sa sphère d'attributions. La Loi sur la responsabilité des Ministres, et des Autorités supérieures de l'Etat, forme une partie intégrante de la Constitution.

CX. On ne peut faire de changemens, ni ajouter d'éclaircissemens, à l'Acte Constitutionnel, que du consentement des 2 Chambres. Il faut à cet effet dans la 2^e Chambre l'adhésion de 26 Membres au moins, et dans la 1^{ère} une majorité d'au moins 12 Membres. Mais si le nombre des votans qui prennent part à la délibération est tel que les 2 tiers de ce nombre aillent au delà des nombres fixés ci-dessus, il faut, pour résoudre les changemens proposés, l'assentiment des 2 tiers des votans.

En déclarant par le présent Acte que les dispositions ci-dessus forment la Constitution Fondamentale de notre Grand-Duché, nous assurons de la manière la plus solennelle, que non-seulement nous remplirons nous-mêmes fidèlement et inviolablement les stipulations qu'il contient, mais encore que nous mettrons constamment tous nos soins à maintenir cette Constitution, et à la mettre à l'abri de toute atteinte.

En foi de quoi, nous avons signé cette Loi Fondamentale de l'Etat, et nous y avons fait apposer le Grand Sceau du Grand-Duché.

Donné dans notre Résidence de Darmstadt, le 17 Décembre, 1820.

(L.S.) LOUIS.

DE GROLMAN.

ACTE FINAL des Conférences Ministérielles tenues à Vienne, pour compléter et consolider l'organisation de la Confédération Germanique.—Signé à Vienne, le 15 Mai, 1820.

LES Princes Souverains et les Villes libres de l'Allemagne, considérant l'engagement qu'ils ont pris lors de la fondation de la Confédération Germanique, d'affermir et de perfectionner leur union, en donnant les développemens nécessaires aux dispositions fondamentales de l'Acte Fédéral, considérant en outre que, pour rendre indissolubles les liens étroits qui réunissent la totalité des Etats de l'Allemagne dans un système de paix et de bienveillance réciproque, ils ne devoient plus tarder à satisfaire par des délibérations communes à l'obligation qu'ils s'étoient imposée, et à un besoin généralement senti, ont nommé à cet effet Plénipotentiaires, savoir :

Sa Majesté l'Empereur d'Autriche, Roi de Hongrie, et de Bohême, le Sieur Clement Venceslas Lothaire, Prince de Metternich-Winnebourg Ochsenhausen, Duc de Portella ; Chevalier de la Toison d'Or, Grand'-Croix de l'Ordre Royal de St. Etienne, de l'Ordre civil d'Honneur en Or, de St. Jean de Jérusalem ; Chevalier des Ordres de Russie de St. André, de St. Alexandre-Newsky, et de Ste. Anne de la 1^{ère} Classe ; Chevalier de l'Ordre Suprême de l'Annonciade de Sardaigne, de l'Ordre de l'Eléphant de Dannemarc, de l'Aigle Noir et de l'Aigle Rouge de Prusse ; des Séraphins de Suède ; Grand'-Croix de l'Ordre Royal de Charles III d'Espagne, et de l'Ordre Royal du Christ de Portugal, Grand Cordon de la Légion d'Honneur de la France, Chevalier de l'Ordre de St. Januarius, Grand'-Croix de St. Ferdinand et de Mérite de Sicile, Chevalier de l'Ordre de St. Hubert de Bavière, Grand'-Croix de St. Joseph de Toscane, de l'Aigle d'Or de Wurtemberg, de la Couronne de Saxe, Grand'-Croix du Lion Néerlandais, de l'Ordre Royal du Guelphe de Hannover, du Lion de Hesse Cassel, et de celui de Hesse Darmstadt, Chevalier de l'Ordre de la Fidélité de Bade, et Grand'-Croix de l'Ordre Constantinien de St. George de Parme, Chancelier de l'Ordre Militaire de Marie Thérèse, Curateur de l'Académie des Beaux Arts, et Conservateur de l'Université de Cracovie ; Chambellan, Conseiller intime actuel de Sa Majesté Impériale et Royale Apostolique, son Ministre d'Etat, des Conférences, et des Affaires Etrangères, &c. &c. &c.

Sa Majesté le Roi de Prusse ; le Sieur Christian Günther, Comte de Bernstorff, Conseiller intime actuel, son Ministre d'Etat, de Cabinet,

et des Affaires Etrangères, Chevalier des Grands Ordres de l'Aigle Noir et de l'Aigle Rouge, de St. André, et de l'Eléphant, Grand'-Croix de l'Ordre Royal de St. Etienne, de la Légion d'Honneur, de l'Ordre de Dannebrog, de la Fidélité de Bade, du Lion Rampant, et du Lion de Hesse Electorale ;

Le Sieur Frédéric Guillaume Louis, Baron de Krusemarc, Lieutenant-Général dans ses Armées, son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté Impériale et Royale Apostolique, Chevalier du Grand Ordre de l'Aigle Rouge de la 1^{re} Classe, de celui de Mérite et de la Croix de Fer de Prusse, Grand'-Croix de l'Ordre de l'Epée de Suède ;

Et le Sieur Jean Emanuel de Küster, son Conseiller d'Etat intime, Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté le Roi de Wurtemberg, et Son Altesse Royale le Grand Duc de Bade, Chevalier de l'Ordre de l'Aigle Rouge de la 2^{de} Classe, et de celui de la Croix de Fer de Prusse ;

Sa Majesté le Roi de Bavière, le Sieur Frédéric, Baron de Zentner, son Conseiller intime actuel, et Directeur Général du Ministère de l'Intérieur, Conseiller de l'Empire, Grand'-Croix de l'Ordre de la Couronne de Bavière ;—et le Sieur Jean Gottlieb Edouard, Baron de Stainlein, son Conseiller intime et Ministre Plénipotentiaire près Sa Majesté Impériale et Royale Apostolique, Chevalier de la Couronne de Bavière, Commandeur de l'Ordre de St. Léopold d'Autriche, et Chevalier de l'Aigle Rouge de Prusse de la 3^{ème} Classe ;

Sa Majesté le Roi de Saxe, le Sieur Detlev, Comte de Einsiedel, son Ministre de Cabinet et Secrétaire d'Etat ayant le Département des Affaires Intérieures, Chambellan, et Doyen de Wurzen, Chevalier de l'Ordre héréditaire de la Couronne et de celui du Service Civil, de Saxe, de l'Ordre Hongrois de St. Etienne, de Charles III d'Espagne, Grand'-Croix du Faucon de Saxe-Weimar ;

Le Sieur Frédéric Albert, Comte de Schulenburg-Closteroda, son Conseiller intime actuel, Chambellan, Ministre Plénipotentiaire près la Cour Impériale d'Autriche, Chevalier de l'Ordre Royal de la Couronne, et de celui du Service Civil, de Saxe, et de Léopold d'Autriche, Grand'-Croix de l'Aigle Rouge de Prusse, Chevalier de l'Ordre de Malte ;

Et le Sieur Jean Auguste Fürchtegott de Globig, son Conseiller intime, Chambellan, Grand'-Croix de l'Ordre Royal du Service Civil, et de l'Aigle Rouge de Prusse ;

Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, Roi de Hannover, le Sieur Erneste Frédéric Herbert, Comte de Münster, Grand Maréchal Héréditaire du Royaume, Grand'-Croix de l'Ordre Royal du Guelphe, et de St. Etienne de Hongrie, son Ministre d'Etat et de Cabinet ;

Et le Sieur Erneste Chrétien George Auguste, Comte de Hardenberg, Grand'-Croix de l'Ordre Royal du Guelphe, de Léopold d'Au-

triche, et de l'Aigle Rouge de Prusse, Chevalier de l'Ordre de St. Jean de Jérusalem, son Ministre d'Etat et de Cabinet, Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté Impériale et Royale Apostolique ;

Sa Majesté le Roi de Wurtemberg, le Sieur Ulrick-Lebrecht, Comte de Mandelsloh, son Ministre d'Etat, et Ministre Plénipotentiaire près Sa Majesté Impériale et Royale Apostolique, Grand'-Croix de l'Ordre Royal de la Couronne de Wurtemberg, Chevalier de St. Hubert de Bavière ;

Son Altesse Royale le Grand Duc de Bade, le Sieur Reinhart, Baron de Berstett, son Conseiller intime actuel, Ministre d'Etat et des Affaires Etrangères, Grand'-Croix de l'Ordre de la Fidélité et du Lion Rampant de Bade, et celui de St. Alexandre-Newsky de Russie, et du Faucon blanc de Saxe Weimar ;

Et le Sieur Frédéric Charles, Baron de Tettenborn, Commandeur de l'Ordre Militaire de Bade, Chevalier de l'Ordre Militaire de Marie Thérèse et de Léopold d'Autriche, de Ste. Anne de la 1^{ère} Classe, de St. Wladimir de la 2^{de} Classe, de St. George de la 3^{ème} Classe, et de l'Epée d'Or avec Diamants de Russie, Officier de la Légion d'Honneur de France, Commandeur de l'Aigle Rouge de Prusse, et de l'Epée de Suède, Grand'-Croix de l'Ordre de la Maison de Hesse Ducale et du Lion de Hesse Electorale, Chevalier de l'Ordre Militaire de Bavière, Lieutenant-Général et Aide-de-Camp Général du Grand Duc, Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté Impériale et Royale Apostolique ;

Son Altesse Royale l'Electeur de Hesse, le Baron Munchausen, son Conseiller intime, et Chambellan, Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté Impériale et Royale Apostolique, Commandeur de la 2^{de} Classe de l'Ordre du Lion en Or de l'Electorat ;

Son Altesse Royale le Grand Duc de Hesse, le Sieur Charles du Bos, Baron du Thil, son Conseiller intime actuel, Commandeur Grand'-Croix de l'Ordre de la Maison de Hesse Ducale, et Commandeur du Lion en Or de la 1^{ère} Classe de Hesse Electorale ;

Sa Majesté le Roi de Dannemarc, Duc de Holstein et Lauenbourg, le Sieur Joachim Frédéric, Comte de Bernstorff, son Conseiller intime des Conférences, Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté Impériale et Royale Apostolique, Grand'-Croix de l'Ordre de Dannebrog ;

Sa Majesté le Roi des Pays Bas, Grand Duc de Luxembourg, le Sieur Antoine Reinhart de Falck, Commandeur de l'Ordre du Lion Néerlandais, Ministre de l'Instruction Publique, de l'Industrie Nationale, et des Colonies ;

Son Altesse Royale le Grand Duc de Saxe Weimar, et leurs AltesSES Sérénissimes les Ducs de Saxe Gotha, Saxe Cobourg, Saxe Meiningen, et Saxe Hildburghausen, le Sieur Charles Guillaume, [1819—20.]

Baron de Fritsch, Conseiller intime actuel du Grand Duc de Saxe Weimar Eisenach, Ministre d'Etat, et Grand'-Croix de l'Ordre Grand Ducal du Faucon blanc ;

Son Altesse Sérénissime le Duc de Brunswic Wolfenbuttel, le Comte de Munster, &c. &c. &c., et le Comte de Hardenberg, &c. &c. &c. (comme susmentionné) ;

Son Altesse Sérénissime le Duc de Nassau, le Sieur Ernest François Louis Maréchal, Baron de Bieberstein, son Ministre d'Etat dirigeant, Grand'-Croix de l'Aigle Rouge de Prusse, et de la Fidélité de Bade ;

Leurs Altesses Royales les Grands Ducs de Mecklenbourg Schwerin et Strelitz, le Sieur Léopold Hartwig, Baron de Plessen, Ministre d'Etat et de Cabinet de Mecklenbourg Schwerin, Grand'-Croix de l'Ordre Royal de Dannebrog de Dannemarc ;

Leurs Altesses Sérénissimes les Ducs de Holstein Oldenbourg, d'Anhalt Köthen, d'Anhalt Dessau et d'Anhalt Bernbourg, les Princes de Schwartzbourg Sondershausen et de Rudolstadt, le Sieur Günther Henri de Berg, Président de la Haute Cour de Cassation d'Oldenbourg, Envoyé du Duché de Holstein Oldenbourg, des Ducs d'Anhalt et des Princes de Schwartzbourg, à la Confédération Germanique, Commandeur de l'Ordre Royal du Guelphe ;

Leurs Altesses Sérénissimes les Princes de Hohenzöllern Hechingen et de Hohenzollern Sigmaringen, Lichtenstein, Reuss (deux branches) Schaumbourg Lippe, Lippe et Waldeck, le Baron de Bieberstein, &c. (comme susmentionné.)

Les Villes Libres de Lubeck, Francfort, Bremen, et Hambourg, le Sieur Jean Frédéric Hach, Sénateur de Lubeck, et Envoyé ;

Lesquels réunis à Vienne, en Conférences de Cabinet, après l'échange de leurs Pleins-pouvoirs, trouvés en bonne et due forme, ont mûrement examiné et combiné les vues et les propositions de leurs Gouvernemens respectifs, et à la suite de ce travail, sont définitivement convenu des Articles suivans :

ART. I. La Confédération Germanique est l'Union Fédérative des Princes Souverains et des Villes libres de l'Allemagne, union reposant sur le droit public de l'Europe, et formée pour le maintien de l'indépendance et de l'inviolabilité des Etats qui y sont compris, ainsi que pour la sureté intérieure et extérieure de l'Allemagne en général.

II. Quant à ses rapports intérieurs, cette Confédération forme un corps d'Etats indépendans entr'eux, et liés par des droits et des devoirs librement et réciproquement stipulés. Quant à ses relations extérieures, elle constitue une puissance collective, établie sur un principe d'unité politique.

III. L'extension et les limites que la Confédération a prescrites à l'exercice de ses pouvoirs, sont indiquées par l'Acte Fédéral qui est le pacte primitif, et la 1^{re} Loi Fondamentale de cette Union. En énon-

çant le but de la Confédération, cet Acte détermine en même tems ses droits et ses obligations.

IV. Le droit de développer et de compléter le Pacte Fondamental, lorsque le but qu'il a consacré l'exige, appartient à la réunion des Membres de la Confédération. Cependant les résolutions à prendre pour cet effet ne pourront ni se trouver en contradiction avec les principes de l'Acte Fédéral, ni s'écarter du caractère primitif de l'Union.

V. La Confédération est indissoluble par le principe même de son institution, par conséquent aucun de ses Membres n'a la liberté de s'en détacher.

VI. La Confédération ne comprenant, d'après son institution primitive, que les Etats qui en font actuellement partie, l'admission d'un nouveau Membre ne peut avoir lieu que lorsqu'elle est unanimement jugée compatible avec les rapports existans, et avec l'intérêt général des Etats confédérés. Des changemens survenus dans l'état actuel de possession des Membres de la Confédération, ne peuvent point en apporter dans leurs droits et leurs engagements relativement à la Confédération, sans le consentement de tous les Membres. Une cession volontaire de droits de souveraineté affectés à un Territoire de la Confédération ne peut avoir lieu, sans un tel consentement, qu'en faveur d'un des Etats Confédérés.

VII. La Diète Fédérative formée par les Plénipotentiaires de tous les Etats Fédérés, représente la Confédération dans son ensemble ; elle est l'organe constitutionnel et perpétuel de sa volonté et de son action.

VIII. Les Plénipotentiaires à la Diète sont individuellement dépendans de leurs Souverains respectifs, et responsables envers eux seuls de l'exécution fidèle de leurs instructions, comme en général de l'exercice de leurs fonctions.

IX. La Diète Fédérative ne remplit ses obligations et n'exerce ses pouvoirs que dans les limites qui lui sont assignées tant par les dispositions de l'Acte Fédéral, que par les Lois Fondamentales postérieurement établies en conformité de cet Acte, et au défaut de ces Lois, par le but de l'union, tel qu'il a été énoncé dans l'Acte Fédéral.

X. La volonté générale de la Confédération se manifeste par les Arrêtés de la Diète rendus dans les formes légales ; et sera censé légal et obligatoire tout Arrêté qui, dans les limites de la compétence de la Diète, aura été voté librement à la suite d'une délibération, soit en Conseil permanent (Conseil des 17), soit en Assemblée Générale, selon ce qui est réglé à ce sujet par les dispositions des Lois Fondamentales.

XI. Comme règle générale, les Arrêtés relatifs à la direction des affaires communes de la Confédération, sont pris dans le Conseil des 17, et à la pluralité absolue des voix. Cette forme aura lieu dans tous les cas où il s'agit d'appliquer des principes généraux déjà établis, ou de mettre en exécution des Lois ou des résolutions précédemment adoptées ; elle sera en général suivie pour tous les objets de délibéra-

tion qui n'en ont pas été positivement exceptés par l'Acte Fédéral ou par des résolutions postérieures.

XII. La Diète ne se forme en Conseil Général que dans les cas spécifiés expressément par l'Acte Fédéral, et en outre lorsqu'il s'agit d'une déclaration de guerre, ou de la Ratification d'un Traité de Paix, ou bien de l'admission d'un nouveau Membre dans la Confédération. Si dans des cas particuliers il est douteux si un objet est de la compétence de l'Assemblée Générale, c'est à l'Assemblée Ordinaire des 17 à décider la question. Aucune discussion ni délibération ne peut avoir lieu dans l'Assemblée Générale. On y décide seulement si une Résolution préparée dans l'Assemblée Ordinaire doit être adoptée ou rejetée. Pour qu'une Résolution de l'Assemblée Générale soit valide, il faut une majorité des 2 tiers des voix.

XIII. Aucune décision à la pluralité des voix ne peut avoir lieu dans les cas suivans :

1. Pour adopter de nouvelles Lois Fondamentales, ou pour modifier celles qui existent.

2. Pour des institutions organiques, c'est à dire des dispositions permanentes, servant de moyens d'exécution pour des objets directement liés au but reconnu de la Confédération.

3. Pour l'admission de nouveaux Membres à la Confédération.

4. Pour les affaires de Religion.

Il ne pourra cependant pas y avoir de décision définitive sur des objets de cette nature, sans que les Membres qui s'opposent à l'avis de la majorité aient communiqué les motifs de leur opposition, et sans que ces motifs aient été dûment examinés et discutés. Cette communication ne pourra être refusée dans aucun cas.

XIV. Pour ce qui regarde en particulier les institutions organiques, non-seulement la question préalable, s'il y a lieu à s'en occuper dans les circonstances données, mais aussi les bases et les dispositions essentielles des plans présentés à cet effet, seront arrêtés en Assemblée Générale, et à l'unanimité des voix. Si la décision est favorable au projet, les délibérations sur le détail de son exécution seront du ressort du Conseil Permanent, lequel décidera à la pluralité des voix toutes les questions y relatives, et pourra, s'il le juge convenable, nommer parmi ses Membres une Commission chargée de concilier les opinions différentes, en satisfaisant autant que possible aux intérêts et aux vues de chaque Gouvernement.

XV. Dans des affaires où il s'agit de droits individuels (*jura singularum*,) qui ne regardent pas les Etats Confédérés comme Membres de l'Union, mais en leur qualité d'Etats individuels et indépendans, aucune résolution obligatoire ne sauroit être prise sans le libre assentiment de ceux qui y sont spécialement intéressés. Il en est de même dans les cas où des prestations ou contributions particulières envers la Confédération, qui ne sont point comprises dans les obligations com-

munes à tous les Membres, seroient exigées des quelques Membres en particulier.

XVI. Lorsque les Possessions d'une des Maisons Souveraines de l'Allemagne passent par succession à une autre de ces Maisons, il appartient au corps de la Confédération de décider, si le nouveau possesseur doit jouir des voix attachées aux-dites Possessions dans l'Assemblée Générale ; attendu que dans le Conseil Permanent aucun Membre de la Confédération ne peut exercer plus d'une voix.

XVII. La Diète est appelée à conserver intact l'esprit de l'Acte Fédéral, en prononçant conformément au but de l'Union sur les doutes que l'une ou l'autre des dispositions de cet Acte pourroit faire naître, et en lui assurant sa juste application dans tous les cas où il seroit nécessaire de l'interpréter.

XVIII. Le maintien inviolable de la paix dans le sein de la Confédération étant un des principaux objets de cette Union, si la tranquillité ou la sûreté intérieure de la Confédération sont menacées ou troublées de quelque manière que ce soit, la Diète délibérera sur les moyens de les conserver ou de les rétablir, et elle prendra les résolutions à ce nécessaires, en se conformant pour cet effet aux dispositions énoncées dans les Articles suivans.

XIX. Lorsque des voies de fait sont à craindre ou ont effectivement eu lieu entre des Membres de la Confédération, la Diète procédera à des mesures provisoires pour prévenir ou arrêter toute entreprise tendant à obtenir justice par des moyens violens ; elle veillera avant tout au maintien de l'état de possession.

XX. Lorsque l'assistance de la Diète sera réclamée par un des Membres de la Confédération pour le maintien de l'état de possession, et que l'état de possession le plus récent sera douteux ; dans ce cas particulier, la Diète est autorisée à inviter un des Gouvernemens confédérés, non intéressé, placé dans le voisinage du Territoire contesté, à faire examiner et juger sommairement, et sans délai, par sa Cour de Justice Suprême, le fait de la dernière possession légale, et les circonstances qui ont donné lieu à la plainte, sauf à la Diète d'assurer, par tous les moyens mis à sa disposition à cette fin en pareil cas, l'exécution de la Sentence prononcée par la dite Cour, si l'état contre lequel elle est portée, ne se rendoit pas librement à la sommation qui lui seroit adressée à cet effet.

XXI. Dans tous les différends soumis à la Diète en vertu de l'Acte Fédéral, la Diète essayera d'abord la voie de la conciliation moyennant une Commission qui en sera chargée. Si l'affaire ne peut pas s'applanir par cette voie, la Diète en provoquera la décision par un Jugement Austrégial, en observant (tant qu'il n'en sera pas autrement convenu) les règles prescrites sur les Juridictions Austrégales par l'Arrêté du 16 Juin, 1817, ainsi que la résolution particulière qui doit être

rendue par la Diète, en vertu d'instructions qui seront envoyées en même tems aux Ministres, Membres de cette Assemblée.

XXII. Lorsque, conformément au susdit Arrêté, la Cour Suprême d'un Etat Confédéré a été choisie pour servir de Cour Austrégale, c'est à elle seule qu'appartient la direction du procès et la décision de l'affaire dans tous ses points principaux et accessoires, sans que ni la Diète, ni le Gouvernement du Pays puissent y concourir. Toutefois ce dernier, sur la proposition de la Diète, ou des parties litigantes, en cas de délai de la part de la Cour de Justice, arrêtera les mesures nécessaires pour accélérer la décision.

XXIII. A défaut d'autres règles de décision, le Tribunal Austrégale prononcera d'après les principes de droit subsidiairement suivis dans des causes de cette nature par les anciens Tribunaux de l'Empire, en tant qu'ils se trouveront applicables aux rapports actuels des Etats confédérés.

XXIV. L'institution du Jugement Austrégale pour la Confédération ne déroge point aux Juridictions Austrégales établies par des pactes de famille ou par d'autres Conventions antérieures, et il sera toujours libre aux Gouvernemens confédérés de convenir à leur gré, soit pour un cas spécial, soit pour toutes les contestations qui pourroient survenir entr'eux, d'austrégales ou de compromis particuliers.

XXV. Le maintien de l'ordre et de la tranquillité dans l'intérieur des Etats Confédérés appartient aux Gouvernemens seuls. Cependant l'intérêt commun de la Confédération, et l'obligation de ses Membres de se prêter secours mutuellement, admettent comme exception à ce principe, la coopération générale de la Confédération, pour la conservation ou le rétablissement de la tranquillité, dans le cas d'une résistance formelle éprouvée par un Gouvernement, dans celui d'une révolte ouverte, et dans celui de mouvemens dangereux menaçant à la fois plus d'un Etat de la Confédération.

XXVI. Lorsque dans un Etat Confédéré la tranquillité publique est compromise par des actes de résistance formelle aux Autorités établies, et qu'il y a lieu à craindre que le mouvement séditionnaire ne se communique aux Etats voisins, ou lorsqu'une révolte a effectivement éclaté, et que le Gouvernement, après avoir épuisé tous les moyens constitutionnels et légaux, demande lui-même l'assistance de la Confédération, la Diète est tenue à faire porter les secours les plus prompts pour le rétablissement de l'ordre légal. Si dans le dernier cas, le Gouvernement en question est notoirement hors d'état de réprimer la révolte par ses propres forces, et en même tems empêché par les circonstances de réclamer le secours de la Confédération, la Diète n'en prendra pas moins, sans y être expressément appelée, les mesures qu'elle jugera convenables pour le rétablissement de l'ordre et de la sûreté. Dans tous les cas, ces mesures ne pourront se prolonger plus,

que le Gouvernement auquel la Confédération a prêté secours, ne le jugera nécessaire.

XXVII. Le Gouvernement qui aura reçu un pareil secours, est tenu d'informer la Diète des causes qui ont donné lieu aux troubles, et de lui indiquer d'une manière satisfaisante les mesures prises pour affermir l'ordre légal rétablie.

XXVIII. Lorsque la tranquillité publique est menacée dans plusieurs Etats Confédérés par des associations et des machinations dangereuses, contre lesquelles des mesures communes peuvent seules offrir une barrière suffisante, la Diète mettra en délibération et arrêtera ces mesures, après s'être concertée avec les Gouvernements le plus immédiatement exposés au danger.

XXIX. Si le cas de déni de justice a lieu dans un des Etats de la Confédération, et que la partie lésée ne puisse obtenir le redressement de ses griefs par les voies ordinaires et légales, la Diète a l'obligation de recevoir les plaintes prouvées sur le déni et la suspension de justice, lesquelles doivent être jugées d'après la Constitution et les Lois du Pays, et d'amener le Gouvernement qui y a donné lieu à y faire droit par les voies judiciaires.

XXX. S'il arrive qu'il ne puisse être fait droit aux réclamations élevées par des particuliers, parceque l'obligation d'y satisfaire est douteuse ou contestée entre plusieurs Etats Confédérés, la Diète, sur la demande des parties intéressées, essayera d'abord un arrangement à l'amiable ; et si cet arrangement ne réussit pas, et que dans un terme à fixer, les Etats que l'affaire concerne, ne puissent s'entendre sur un compromis, elle fera décider la question préliminaire par un Jugement Austrégial.

XXXI. La Diète a le droit et l'obligation de veiller à l'exécution de l'Acte Fédéral, et des autres Lois Fondamentales ; des Arrêts qu'elle aura pris en vertu de sa compétence ; des Sentences rendues par les Cours Austrégales ; des décisions arbitrales mises sous la garantie de la Confédération, et des arrangements de gré-à-gré effectués sous la médiation de la Diète, ainsi qu'au maintien des garanties spéciales dont la Confédération s'est chargée. Si les autres moyens constitutionnels ne suffisent pas pour cet effet, elle aura recours aux mesures d'exécution proprement dites, en observant strictement la marche et les formes prescrites à cet égard dans le règlement d'exécution rédigé séparément du présent Acte.

XXXII. Chaque Gouvernement de la Confédération ayant l'obligation de tenir la main à l'exécution des lois et résolutions communes, et la Diète n'étant pas autorisée à intervenir directement dans les affaires intérieures des Etats Confédérés, il ne peut, dans la règle, y avoir lieu à des mesures d'exécution que contre le Gouvernement lui-même. Il y a exception à cette règle, lorsqu'un Gouvernement, en cas d'insuffisance de ses propres moyens a réclamé le secours de la

Confédération, ou que la Diète, dans les conjonctures prévues par l'Article XXVI, est obligée de prendre, sans en être requise, des mesures pour le rétablissement de l'ordre et de la sûreté générale. Dans le premier cas cependant, il sera toujours procédé de concert avec le Gouvernement auquel le secours est prêté, et il en sera de même dans le second cas aussitôt que le Gouvernement en question aura recouvré son autorité.

XXXIII. Les mesures d'exécution seront arrêtées et réalisées au nom de la Confédération. A cet effet, la Diète ayant égard aux circonstances locales, et aux relations particulières, chargera un ou plusieurs Gouvernemens, non-intéressés dans l'affaire, de tout ce qui a rapport à ces mesures; elle déterminera en même tems les forces militaires à employer, et la durée de leur emploi, calculée d'après l'objet de l'exécution.

XXXIV. Le Gouvernement qui reçoit une pareille Commission dont il est obligé de se charger comme d'un devoir fédéral, nommera à cet effet un Commissaire Civil, qui conduira directement les mesures d'exécution, en se conformant à l'instruction spéciale rédigée en suite des dispositions de la Diète par le Gouvernement dont il tient ses pouvoirs. Si la Commission a été donnée à plusieurs Gouvernemens, la Diète désignera celui qui doit nommer le Commissaire Civil.

Le Gouvernement investi de la Commission, instruira la Diète du progrès des mesures d'exécution, et lui en annoncera la cessation aussitôt que le but aura été complètement rempli.

XXXV. La Confédération Germanique a le droit comme Puissance Collective, de déclarer la Guerre, de faire la Paix, de contracter des Alliances, et de négocier des Traités de toute espèce. Toutefois d'après le but de son institution, tel qu'il est énoncé à l'Article II, de l'Acte Fédéral, elle n'exerce ce droit que pour sa propre défense, pour le maintien de l'indépendance, et de la sûreté extérieure de l'Allemagne, ainsi que de l'indépendance et de l'inviolabilité de chacun des Etats qui la composent.

XXXVI. Les Etats Confédérés ayant pris par l'Article XI de l'Acte Fédéral, l'engagement de défendre contre toute attaque l'Allemagne dans son ensemble, et chacun de leurs co-Etats en particulier, et de se garantir réciproquement l'intégrité de leurs Possessions comprises dans l'Union, aucun Etat Confédéré ne peut être lésé par une Puissance Etrangère, sans que la lésion porte en même tems et au même degré sur la totalité de la Confédération.

D'un autre côté, les Etats Confédérés s'engagent à ne donner lieu à aucune provocation de la part des Puissances Etrangères et à n'en exercer aucune envers elles. Dans le cas où un Etat Etranger porterait plainte à la Diète d'une lésion qu'il auroit éprouvée de la part d'un Membre de la Confédération, et où ces plaintes seroient fondées, la Diète doit requérir le Membre qui y a donné lieu, de faire une réparation

prompte et satisfaisante, et prendre en outre, suivant les circonstances, des mesures propres à prévenir à tems tout ce qui pourroit troubler ultérieurement la paix.

XXXVII. Lorsque des différends surviennent entre une Puissance Etrangère et un Etat de la Confédération, et que le dernier réclame l'intervention de la Diète, celle-ci examinera à fond l'origine du différend, et l'état réel de la question. S'il résulte de cet examen, que le droit n'est pas du côté de l'Etat Confédéré, la Diète fera valoir les représentations les plus sérieuses pour l'engager à se désister de la contestation, lui refusera son intervention, et avisera, en cas de besoin, aux moyens convenables, pour le maintien de la paix. Si l'examen préalable prouve le contraire, la Diète sera tenue d'employer ses bons offices de la manière la plus efficace, et les étendra aussi loin qu'il sera nécessaire pour assurer à la partie réclamante satisfaction et sûreté complète.

XXXVIII. Lorsque l'avis d'un Membre de la Confédération, ou d'autres données authentiques portent à croire, que l'un ou l'autre des Etats Confédérés, ou la Confédération entière, sont menacés d'une attaque hostile, la Diète examinera, sans aucun retard, si le danger est réel, et prononcera sur cette question dans le plus bref délai possible. Si le danger est reconnu, la Résolution qui le déclarera sera immédiatement suivie de l'Arrêté relatif aux mesures de défense auxquelles dans ce cas on aura recours sur le champ.

La Résolution, ainsi que l'Arrêté qui l'accompagne, sont du ressort du Conseil Permanent, procédant à la pluralité des suffrages.

XXXIX. Lorsque le Territoire de la Confédération est envahi par une Puissance Etrangère, l'état de Guerre est établi par le fait de l'invasion ; et quelle que soit la décision ultérieure de la Diète, des mesures de défense proportionnées au danger doivent être adoptées sans retard.

XL. Si la Confédération se voit obligée à déclarer formellement la Guerre, cette déclaration ne peut émaner que de l'Assemblée Générale procédant selon la règle établie à la majorité des deux tiers des suffrages.

XLI. La résolution prononcée en Conseil Permanent sur la réalité du danger d'une attaque hostile, rend tous les Etats Confédérés solidaires des mesures de défense que la Diète aura jugé nécessaires. De même la Déclaration de Guerre prononcée en Assemblée Générale constitue tous les Etats Confédérés parties actives dans la Guerre commune.

XLII. Si la question préalable relative à l'existence du danger est décidée négativement par la majorité des voix, ceux des Etats Confédérés qui ne partagent pas l'avis de la majorité, conservent le droit de concerter entr'eux des mesures de défense commune.

XLIII. Lorsque le danger et la défense ne regardent que tel ou tel Etat Confédéré, et que l'une ou l'autre des parties litigantes en appelle à la médiation de la Diète, celle-ci, si elle juge la proposition compatible avec l'état des choses et avec sa propre attitude, et si l'autre partie y consent, se chargera de la médiation ; bien entendu qu'il n'en résultera aucun préjudice à la poursuite des mesures générales pour la sûreté du Territoire de la Confédération, et moins encore aucun retard dans l'exécution de celles qui se trouveroient déjà arrêtées.

XLIV. Lorsque la Guerre est déclarée, il est libre à tout Etat Confédéré de fournir à la défense commune une force plus considérable que celle de son contingent légal, sans toutefois que cette augmentation l'autorise à former des prétentions quelconques à la charge de la Confédération.

XLV. Si dans une Guerre entre des Puissances Etrangères, ou par d'autres évènements, il y a raison de craindre une infraction à la neutralité du Territoire de la Confédération, la Diète arrêtera sans délai en Conseil Permanent les mesures extraordinaires qu'elles jugera propres au maintien de cette neutralité.

XLVI. Lorsqu'un Etat Confédéré, ayant des Possessions hors des limites de la Confédération, entreprend une Guerre en sa qualité de Puissance Européenne, la Confédération, dont une pareille Guerre n'affecte ni les rapports, ni les obligations, y reste absolument étrangère.

XLVII. Dans le cas où un tel Etat se trouveroit menacé ou attaqué dans ses Possessions non comprises dans la Confédération, celle-ci n'est obligée de prendre des mesures de défense, ou une part active à la Guerre, qu'après que la Diète auroit reconnu en Conseil Permanent et à la pluralité des voix, l'existence d'un danger pour le Territoire de la Confédération. Dans ce dernier cas, toutes les dispositions des Articles précédens trouveroient également leur application.

XLVIII. La disposition de l'Acte Fédéral d'après laquelle, lorsque la Guerre est déclarée par la Confédération, aucun de ses Membres ne peut entamer des Négociations particulières avec l'Ennemi, ni signer la Paix ou un Armistice, est indistinctement obligatoire pour tous les Etats Confédérés, qu'ils possèdent, ou non, des Pays hors du Territoire de la Confédération.

XLIX. Lorsqu'il s'agit de Négociations pour conclure la Paix ou un Armistice, la Diète en confiera la direction spéciale à un Comité qu'elle établira pour cet objet ; elle nommera de même des Plénipotentiaires pour conduire les Négociations d'après les instructions dont ils seront munis. L'acceptation et la confirmation d'un Traité de Paix ne peuvent être prononcées qu'en Assemblée Générale.

L. Par rapport aux affaires étrangères en général, la Diète a l'obligation :

1. De veiller, comme organe de la Confédération, au maintien de la Paix et des relations d'amitié avec les Etats Etrangers ;

2. De recevoir les Envoyés des Puissances Etrangères accrédités près de la Confédération, et d'en nommer, s'il est jugé nécessaire, pour représenter la Confédération auprès des Puissances Etrangères ;

3. De conduire, lorsqu'il y a lieu, des Négociations et de conclure des Traités pour la Confédération ;

4. D'interposer ses bons Offices auprès des Gouvernemens Etrangers pour les Membres de la Confédération qui les réclameraient, et de les employer de même auprès des Etats Confédérés, dans les affaires où des Gouvernemens Etrangers demanderoient son intervention.

LI. La Diète est généralement chargée de pourvoir aux Institutions Organiques qui se rapportent au système Militaire de la Confédération, ainsi qu'aux établissemens de défense qu'exige la sûreté de son Territoire.

LII. Comme pour atteindre le but de la Confédération et pour assurer l'administration de ses affaires, les Etats qui la composent, doivent fournir des contingens pécuniaires, il est dans les attributions de la Diète :

1. De fixer le montant des dépenses Constitutionnelles ordinaires, en tant que cela peut avoir lieu, en général ;

2. D'indiquer les dépenses extraordinaires qu'exigera l'exécution d'Arrêtés particuliers de la Diète pris en vue de remplir des buts reconnus de la Confédération, et de déterminer les contingens nécessaires pour couvrir ces dépenses ;

3. De régler la proportion matriculaire d'après laquelle chacun des Etats Confédérés doit contribuer aux dépenses communes ;

4. De régler et de surveiller la perception, l'emploi, et la comptabilité des contingens pécuniaires.

LIII. Quoique l'Acte Fédéral, en garantissant l'indépendance des Etats Confédérés, ait écarté, en principe général, toute interposition du Pouvoir Fédératif dans l'organisation et l'administration intérieure de ces Etats, les Membres de la Confédération sont cependant convenus, dans la seconde partie de l'Acte Fédéral, de quelques dispositions particulières, se rapportant soit à la garantie de certains droits confirmés par ledit Acte, soit à des avantages communs aux Sujets de tous les Gouvernemens Allemands. La Diète est tenue de faire exécuter les engagements contractés en vertu de ces dispositions, lorsqu'il est suffisamment constaté par les déclarations des Parties intéressées, qu'ils sont restés sans exécution. Toutefois l'application aux cas particuliers des

Lois et Ordonnances générales arrêtées en conformité des dits engagements, sera réservée aux Gouvernemens seuls.

LIV. Comme d'après l'Article XIII de l'Acte Fédéral, et les déclarations postérieures qui ont eu lieu à ce sujet, il doit y avoir des Assemblées d'Etats dans tous les Pays de la Confédération, la Diète veillera à ce que cette Stipulation ne reste sans effet dans aucun Etat Confédéré.

LV. Il appartient aux Princes Souverains de la Confédération de régler cette affaire de législation intérieure dans l'intérêt de leurs Pays respectifs, en ayant égard aux anciens droits des Assemblées d'Etats, ainsi qu'aux relations actuellement existantes.

LVI. Les Constitutions d'Etats existantes, reconnues comme étant en vigueur, ne peuvent être changées que par des voies constitutionnelles.

LVII. La Confédération Germanique étant, à l'exception des Villes Libres, formée par des Princes Souverains, le principe fondamental de cette union exige que tous les pouvoirs de la souveraineté restent réunis dans le Chef-suprême du Gouvernement, et que par la Constitution des Etats, le Souverain ne puisse être tenu d'admettre leur co-opération que dans l'exercice de droits spécialement déterminés.

LVIII. Aucune Constitution Particulière ne peut ni arrêter ni restreindre les Princes Souverains Confédérés dans l'exécution des devoirs que leur impose l'Union Fédérative.

LIX. Dans les Pays où la publicité des délibérations est reconnue par la Constitution, il doit être pourvu par un Règlement d'ordre, à ce que ni dans les discussions mêmes, ni lors de leur publication par la voie de l'impression, les bornes légales de la liberté des opinions ne soient outrepassées de manière à mettre en péril la tranquillité du Pays, ou celle de l'Allemagne entière.

LX. Lorsqu'un Membre de la Confédération sollicite la garantie générale pour la Constitution des Assemblées d'Etats établies dans son Pays, la Diète est autorisée à s'en charger. Elle acquiert par-là le droit de maintenir cette Constitution lorsque l'une ou l'autre des Parties intéressées en réclame la garantie, et d'applanir les différends qui pourroient s'élever sur son interprétation ou son exécution, soit par voie de médiation, soit par décision arbitrale, à moins que la dite Constitution n'ait elle-même pourvu à d'autres moyens de concilier les différends de cette nature.

LXI. Hors les cas de la garantie spéciale, et le maintien des principes ci-dessus énoncés relativement à l'Article XIII de l'Acte Fédéral, la Diète n'est point autorisée à intervenir dans des affaires relatives aux Assemblées d'Etats, ni dans des discussions qui pourroient avoir lieu entre ces Assemblées et leurs Souverains, tant que ces dis-

cussions ne dépasseront pas les limites au delà desquelles elles se confondroient avec les cas désignés par l'Article XXVI, dont dès-lors les dispositions, ainsi que celles de l'Article XXVII, leur seroient applicables.

Ce qui est établi par l'Article présent, ne sera pas censé déroger à l'Article XLVI de l'Acte du Congrès de Vienne de 1815, relatif à la Constitution de la Ville Libre de Francfort.

LXII. Les dispositions précédentes relatives à l'Article XIII de l'Acte Fédéral, s'appliquent aux Villes Libres, Membres de la Confédération, autant que leurs Constitutions et relations particulières le permettent.

LXIII. La Diète est appelée à surveiller l'accomplissement exact et entier des Stipulations renfermées dans l'Article XIV de l'Acte Fédéral, relativement aux anciens États de l'Empire médiatisés, et à la ci-devant Noblesse immédiate de l'Allemagne. Les Souverains, dans les Pays desquels les Possessions des Princes, Comtes, et Seigneurs médiatisés se trouvent incorporées, sont tenus envers la Confédération au maintien invariable des rapports de droit public fondés par les dites Stipulations. Et quoique les contestations particulières qui pourront s'élever sur l'application des Ordonnances rendues, ou des Conventions passées en conformité de l'Article XIV de l'Acte Fédéral, doivent être soumises à la décision des Autorités compétentes des États dans lesquels sont situées les Possessions des médiatisés, ceux-ci n'en conserveront pas moins la faculté, toutes les fois qu'ils n'obtiendroient pas justice par les voies légales et constitutionnelles, ou que moyennant des interprétations arbitraires il seroit porté atteinte aux droits qui leur sont assurés par l'Acte Fédéral, de se pourvoir en recours auprès de la Diète, laquelle, le cas échéant, sera obligée de recevoir la plainte, et d'y faire droit si elle se trouve fondée.

LXIV. Lorsque des Membres de la Confédération proposeront à la Diète des mesures de bien public dont l'accomplissement ne pourroit avoir lieu que par le concert de tous les États Confédérés, et que la Diète reconnoitra en principe l'utilité des mesures proposées, et la possibilité de leur exécution, elle s'occupera avec soin des moyens de les réaliser, et fera toutes les démarches nécessaires pour obtenir en leur faveur le consentement libre et unanime des Gouvernemens de la Confédération.

LXV. La Diète continuera à s'occuper des objets qui, par les Stipulations des Articles XVI, XVIII, et XIX de l'Acte Fédéral, sont soumis à sa délibération, afin de parvenir d'un commun accord à des réglemens aussi uniformes que les admettra la nature de ces objets.

Le présent Acte sera porté à la Diète, moyennant une proposition présidiale, comme résultat d'un engagement invariable entre les Gouvernemens Confédérés, pour, en suite de leurs déclarations unanimes,

y être converti, par une Résolution formelle, en Loi Fondamentale de la Confédération, laquelle Loi aura la même force et valeur que l'Acte Fédéral de l'Année 1815, et sera strictement observée et exécutée comme telle par la Diète.

(L.S.)	FURSTEN VON METTERNICH.
(L.S.)	GRAFEN VON BERNSTORFF.
(L.S.)	FREIHERRN VON KRUSEMARCK.
(L.S.)	J. E. VON KUSTER.
(L.S.)	FREIHERRN VON ZENTNER.
(L.S.)	FREIHERRN VON STAINLEIN.
(L.S.)	GRAFEN VON EINSEDEL.
(L.S.)	GRAFEN VON SCHULENBURG.
(L.S.)	H. A. F. VON GLOBIG.
(L.S.)	E. F. N. GRAFEN VON MUNSTER.
(L.S.)	E. C. G. A. GRAFEN VON HARDENBERG.
(L.S.)	U. L. GRAFEN VON MANDELSLOH.
(L.S.)	FREIHERRN VON BERSTETT.
(L.S.)	FREIHERRN VON TETTENBORN.
(L.S.)	FREIHERRN VON MUNCHHAUSEN.
(L.S.)	K. DU BOS FREIHERRN DU THIL.
(L.S.)	J. F. GRAFEN VON BERNSTORFF.
(L.S.)	A. R. FALCK.
(L.S.)	C. W. FREIHERRN VON FRITSCH.
(L.S.)	E. F. L. M. FREIHERRN VON BIEBERSTEIN.
(L.S.)	L. H. FREIHERRN VON PLESSEN.
(L.S.)	G. H. VON BERG.
(L.S.)	J. F. HACH.

[L'Acte Final qui précèdent a été converti en Loi Fondamentale de la Confédération, par une Résolution de l'Assemblée Générale de la Diète Germanique, le 8 Juin, 1820.]

TREATY between The United States and the Wea Tribe of Indians.—Signed at Vincennes, 11th August, 1820.

JAMES MONROE, *President of the United States of America,*

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME,

GREETING :

WHEREAS a Treaty was made and concluded, between The United States of America and the Wea Tribe of Indians, at Vincennes, in the State of Indiana, on the 11th day of August, in the year of our Lord 1820, by a Commissioner on the part of the said United States, and certain Chiefs, Warriors, and Head Men, of the said Tribe of Indians, on the part, and in behalf, of the said Tribe; which Treaty is in the words following, to wit :

A Treaty, made and concluded by Benjamin Parke, a Commissioner for that purpose, on the part of The United States, of the one part, and the Chiefs, Warriors, and Head Men, of the Wea Tribe of Indians, of the other part.

ART. I. THE Chiefs, Warriors, and Head Men of the said Tribe agree to cede, and they do hereby cede and relinquish to The United States, all the Lands reserved by the 2d Article of the Treaty between The United States and the said Tribe, concluded at St. Mary's, on the 2d day of October, 1818.

II. The sum of 5,000 dollars in money and goods, which is now paid and delivered by The United States, the receipt whereof the Chiefs, Warriors, and Head Men of the said Tribe do hereby acknowledge, is considered by the Parties a full compensation for the cession and relinquishment above mentioned.

III. As it is contemplated by the said Tribe to remove from the Wabash, it is agreed, that the Annuity secured to the Weas by the Treaty of St. Mary's, above mentioned, shall hereafter be paid to them at Kaskaskia, in the State of Illinois.

IV. This Treaty, as soon as it is ratified by the President and Senate of The United States, to be binding on the Contracting Parties.

In testimony whereof, the said Benjamin Parke, Commissioner as aforesaid, and the said Chiefs, Warriors, and Head Men of the said Tribe, have hereunto set their hands, at Vincennes, this 11th day of August, 1820.

[Marks of 16 Indian Chiefs, &c.]

B. PARKE.

In presence of, JOHN LAW, *Secretary to the Commissioner.*

WILLIAM PRINCE, *Indian Agent.*

NATHANIEL EWING. W. E. BREADING.

E. BOUDINOT. PR. LAPLANTE.

MICHEL BROUILLET, *United States' Interpreter.*

Now, therefore, be it known, that I, James Monroe, President of the United States of America, having seen and considered the said Treaty, have, by and with the advice and consent of the Senate, accepted, ratified, and confirmed the same, and every Clause and Article thereof.

In testimony whereof, I have caused the Seal of The United States to be hereunto affixed, having first signed the same with my hand.

Done at the City of Washington, this 8th day of January, in the Year of our Lord 1821, and of the Independence of The United States the 45th.

By the President:

JAMES MONROE.

JOHN QUINCY ADAMS, *Secretary of State.*

CONVENTION between The United States and the Kickapoo Indians. Signed at Vincennes, 5th September, 1820.

JAMES MONROE, *President of the United States of America,*

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME,

GREETING :

WHEREAS a Convention was made and concluded between the United States of America and the Kickapoo Tribe of Indians of the Vermilion, at Vincennes, in the State of Indiana, on the 5th day of September, in the Year of our Lord 1820, by a Commissioner on the part of the said United States, and certain Chiefs, Warriors, and Head Men of the said Tribe of Indians, on the part and in behalf of the said Tribe ; which Convention is in the words following, to wit :

Articles of a Convention made and concluded between Benjamin Parker, a Commissioner on the part of The United States for that purpose, of the one part, and the Chiefs, Warriors, and Head Men of the Tribe of Kickapoos of the Vermilion, of the other part.

ART. I. It is agreed that the Annuity secured to the said Tribe by the Treaty of the 30th of August, 1819, shall hereafter be paid to the said Tribe at Kaskaskias, in the State of Illinois.

II. As the said Tribe are now about leaving their Settlements on the Wabash, and have desired some assistance to enable them to remove, the said Benjamin Parke, on behalf of The United States, has paid and advanced to the said Tribe 2,000 dollars, the receipt whereof is hereby acknowledged, which said sum of 2,000 dollars is to be considered as an equivalent in full for the Annuity due to the said Tribe by virtue of the aforesaid Treaty, for the Year 1821.

In testimony whereof, the said Benjamin Parke, Commissioner as aforesaid, and the Chiefs, Warriors, and Head Men of the said Tribe, have hereunto set their hands, at Vincennes, the 5th day of September, 1820.

[Marks of 7 Indian Chiefs, &c.]

B. PARKE.

In presence of, WILLIAM PRINCE, *Indian Agent.*

SAMUEL JACOBS. R. S. REYNOLDS.

GEORGE R. C. SULLIVAN, *Vincennes, Postmaster.*

TOUSSAINT DUBOIS. MICHEL BROUILLET, *Interpreter.*

Now, therefore, be it known, that I, James Monroe, President of The United States of America, having seen and considered the said Convention, have, by and with the advice and consent of the Senate, accepted, ratified, and confirmed the same, and every clause thereof.

In testimony whereof, I have caused the Seal of The United States to be hereunto affixed, having first signed the same with my hand.

Done at the City of Washington, this 8th day of January, in the year of our Lord 1821, and of the Independence of The United States the 45th.

By the President : JAMES MONROE.
JOHN QUINCY ADAMS, *Secretary of State*.

TREATY between The United States and the Choctaw Indians. Signed near Doak's Stand, the 18th October, 1820.

JAMES MONROE, *President of The United States of America.*

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME,
GREETING :

WHEREAS a Treaty of Friendship, Limits, and Accommodation, was made and concluded between the United States of America and the Choctaw Nation of Indians, at the Treaty Ground in said Nation, near Doak's Stand, on the Natchez Road, on the 18th day of October, in the year of our Lord 1820, by Commissioners on the part of the said United States, and the Mingoes, Head Men, and Warriors of the said Nation of Indians, on the part and in behalf of the said Nation ; which Treaty is in the words following, to wit :

A Treaty of Friendship, Limits, and Accommodation, between the United States of America and the Choctaw Nation of Indians, begun and concluded at the Treaty Ground in said Nation, near Doak's Stand, on the Natchez Road.

PREAMBLE.

Whereas it is an important object with the President of Th United States to promote the civilization of the Choctaw Indians, by the establishment of Schools amongst them ; and to perpetuate them as a Nation, by exchanging for a small part of their land here, a Country beyond the Mississippi River, where all who live by hunting and will not work may be collected and settled together. And whereas it is desirable to the State of Mississippi to obtain a small part of the land belonging to said Nation ; for the mutual accommodation of the Parties, and for securing the happiness and protection of the whole Choctaw Nation, as well as preserving that harmony and friendship which so happily subsists between them and The United States ; James Monroe, President of the United States of America, by Andrew Jackson, of the State of Tennessee, Major-General in the Army of The United States, and General Thomas Hinds, of the State of Mississippi, Commissioners Plenipotentiary of The United States on the one part, and the Mingoes, Head Men, and Warriors of the Choctaw [1819—20.]

Nation, in full Council assembled, on the other part, have freely and voluntarily entered into the following Articles, viz :

ART. I. To enable the President of The United States to carry into effect the above grand and humane objects, the Mingoes, Head Men, and Warriors of the Choctaw Nation, in full Council assembled, in behalf of themselves and the said Nation, do, by these presents, cede to the United States of America all the Land lying and being within the Boundaries following, to wit: Beginning on the Choctaw Boundary east of Pearl River, at a point due south of the White Oak Spring, on the old Indian path; thence north to said Spring; thence northwardly to a black oak, standing on the Natchez Road, about 40 poles eastwardly from Doak's Fence, marked A. J. and blazed, with 2 large pines and a black oak standing near thereto, and marked as pointers; thence a straight line to the head of Black Creek, or Bouge Loosa; thence, down Black Creek, or Bouge Loosa, to a small Lake; thence, a direct course, so as to strike the Mississippi one mile below the mouth of the Arkansas River; thence, down the Mississippi, to our Boundary; thence, round and along the same, to the beginning.

II. For and in consideration of the foregoing cession, on the part of the Choctaw Nation, and in part satisfaction for the same, the Commissioners of The United States, in behalf of said States, do hereby cede to said Nation a Tract of Country west of the Mississippi River, situate between the Arkansas and Red River, and bounded as follows: Beginning on the Arkansas River, where the lower boundary line of the Cherokees strikes the same; thence, up the Arkansas, to the Canadian Fork, and up the same to its source; thence, due south, to the Red River; thence, down Red River, 3 miles below the mouth of Little River, which empties itself into Red River on the north side; thence, a direct line to the beginning.

III. To prevent any dispute upon the subject of the Boundaries mentioned in the Ist and IId Articles, it is hereby stipulated between the Parties, that the same shall be ascertained, and distinctly marked, by a Commissioner or Commissioners to be appointed by The United States, accompanied by such Person as the Choctaw Nation may select; said Nation having 30 days' previous notice of the time and place at which the operation will commence. The person so chosen by the Choctaws shall act as a pilot or guide, for which The United States will pay him 2 dollars per day, whilst actually engaged in the performance of that duty.

IV. The Boundaries hereby established between the Choctaw Indians and The United States, on this side of the Mississippi River, shall remain without alteration until the period at which said Nation shall become so civilized and enlightened as to be made Citizens of The United States, and Congress shall lay off a limited parcel of land, for the benefit of each family or individual in the Nation.

V. For the purpose of aiding and assisting the poor Indians, who wish to remove to the Country hereby ceded, on the part of The United States, and to enable them to do well and support their families, the Commissioners of The United States engage, in behalf of said States, to give to each Warrior a blanket, kettle, rifle gun, bullet moulds, and wipers, and ammunition sufficient for hunting and defence, for one year. Said Warrior shall also be supplied with corn, to support him and his family for the same period, and whilst travelling to the Country above ceded to the Choctaw Nation.

VI. The Commissioners of The United States further covenant and agree, on the part of said States, that an Agent shall be appointed, in due time, for the benefit of the Choctaw Indians, who may be permanently settled in the Country ceded to them beyond the Mississippi River; and, at a convenient period, a Factor shall be sent there with goods to supply their wants. A Blacksmith shall also be settled amongst them, at a point most convenient to the population; and a faithful person appointed, whose duty it shall be to use every reasonable exertion to collect all the wandering Indians belonging to the Choctaw Nation, upon the land hereby provided for their permanent settlement.

VII. Out of the lands ceded by the Choctaw Nation to The United States, the Commissioners aforesaid, in behalf of said States, further covenant and agree, that 54 sections of one mile square shall be laid out, in good land, by the President of The United States, and sold, for the purpose of raising a fund to be applied to the support of the Choctaw Schools, on both sides of the Mississippi River. Three-fourths of said fund shall be appropriated for the benefit of the schools here, and the remaining fourth for the establishment of one or more beyond the Mississippi; the whole to be placed in the hands of the President of The United States, and to be applied by him, expressly and exclusively, to this valuable object.

VIII. To remove any discontent which may have arisen in the Choctaw Nation, in consequence of 6000 dollars of their annuity having been appropriated annually, for 16 years, by some of the Chiefs, for the support of their schools, the Commissioners of The United States oblige themselves, on the part of said States, to set apart an additional tract of good land, for raising a fund equal to that given by the said Chiefs; so that the whole of the annuity may remain in the Nation, and be divided amongst them. And, in order that exact justice may be done to the poor and distressed of said Nation, it shall be the duty of the Agent to see that the wants of every deaf, dumb, blind, and distressed Indian, shall be first supplied out of said annuity, and the balance equally distributed amongst every Individual of said Nation.

IX. All those who have separate settlements, and fall within the limits of the land ceded by the Choctaw Nation to The United States,

and who desire to remain where they now reside, shall be secured in a tract or parcel of land one mile square, to include their improvements. Any one who prefers removing, if he does so within one year from the date of this Treaty, shall be paid their full value, to be ascertained by two persons to be appointed by the President of The United States.

X. As there are some who have valuable buildings on the roads and elsewhere, upon the lands hereby ceded; should they remove, it is further agreed by the aforesaid Commissioners, in behalf of The United States, that the inconvenience of doing so shall be considered, and such allowance made as will amount to an equivalent. For this purpose there shall be paid to the Mingo Puckshenubbee 500 dollars; to Harrison 200 dollars; to Capt. Cobb 200 dollars; to William Hays 200 dollars; to O. Gleno 200 dollars; and to all others who have comfortable houses a compensation in the same proportion.

XI. It is also provided, by the Commissioners of The United States, and they agree, in behalf of said States, that those Choctaw Chiefs and Warriors who have not received compensation for their services during the campaign to Pensacola, in the late war, shall be paid whatever is due them, over and above the value of the blanket, shirt, flap, and leggins, which have been delivered to them.

XII. In order to promote industry and sobriety amongst all classes of the red people in this Nation, but particularly the poor, it is further provided, by the Parties, that the Agent appointed to reside here shall be, and he is hereby, vested with full power to seize and confiscate all the whiskey which may be introduced into said Nation, except that used at public stands, or brought in by the permit of the Agent, or the principal Chiefs of the 3 Districts.

XIII. To enable the Mingoes, Chiefs, and Head Men of the Choctaw Nation, to raise and organize a corps of Light Horse, consisting of 10 in each District, so that good order may be maintained, and that all men, both white and red, may be compelled to pay their just debts, it is stipulated and agreed, that the sum of 200 dollars shall be appropriated by The United States, for each District, annually, and placed in the hands of the Agent, to pay the expenses incurred in raising and establishing said Corps, which is to act as executive Officers, in maintaining good order, and compelling bad men to remove from the Nation, who are not authorized to live in it by a regular Permit from the Agent.

XIV. Whereas the Father of the beloved Chief Mushulatubbee, of the lower Towns, for and during his life, did receive from The United States the sum of 150 dollars annually, it is hereby stipulated, that his son and successor, Mushulatubbee, shall annually be paid the same amount during his natural life, to commence from the Ratification of this Treaty.

XV. The peace and harmony subsisting between the Choctaw Na-

tion of Indians and The United States, are hereby renewed, continued, and declared to be perpetual.

XVI. These Articles shall take effect, and become obligatory on the Contracting Parties, so soon as the same shall be ratified by the President, by and with the advice and consent of the Senate of The United States.

In testimony whereof, the Commissioners Plenipotentiary of The United States, and the Mingoes, Head Men, and Warriors of the Choctaw Nation, have hereunto subscribed their names, and affixed their Seals, at the Place above written, this 18th day of October, in the year of our Lord 1820, and of the Independence of The United States the 45th.

ANDREW JACKSON,

[Marks of 3 Medal Mingoes.]

THOMAS HINDS.

ALEXANDER HAMILTON. JOEL H. VAIL.

GEORGE TURNELL. GREENWOOD LEFLORE.

[Marks of 96 Chiefs and Warriors.]

Witnesses present at treating and signing:

Saml. R. Overton, *Secretary to the Commission.*

Eden Brashears.

J. C. Bronough, *Asst. Surg. Gen. S. D. U. S. Army.*

H. D. Downes. Wm. F. Gangent.

W. M. Graham, *1st Lieut. Corps of Artillery.*

Andrew J. Donalson, *Brev. 2d Lieut. Corps of Engineers, and Aid-de-Camp to Gen. Jackson.*

P. A. Vanhorr. John H. Esty.

John Pitchlynn, *U. S. Interpreter.*

M. Mackey, *U. S. Interpreter.*

Edmund Falsome, *Interpreter.*

James Hughes. Geo. Fisher. Jas. Jackson, Jun.

Now, therefore, be it known, that I, James Monroe, President of The United States of America, having seen and considered the said Treaty, have, by and with the advice and consent of the Senate, accepted, ratified, and confirmed the same, and every Clause and Article thereof.

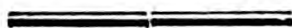
In testimony whereof, I have caused the Seal of The United States to be hereunto affixed, having first signed the same with my hand.

Done at the City of Washington, this 8th day of January, in the year of our Lord 1821, and of the Independence of The United States the 45th.

By the President:

JAMES MONROE.

JOHN QUINCY ADAMS, *Secretary of State.*



CORRESPONDENCE of the Commissioners of The United States, appointed to treat with the Creek Indians.—1820.*

(A.)—*The Secretary of War to the American Commissioners.*

GENTLEMEN,

Department of War, 8th August, 1820.

I ENCLOSE you a Commission to treat with the Creek Indians; and the sum of 30,000 dollars has been appropriated to defray the expense of the Treaty with them and the Cherokees. But, from a belief that this sum would not be adequate to treat with success with both Nations, it has been determined, after consulting the Delegation from Georgia, to make the first efforts with the former Nation, and to expend, should it be found necessary to success, the whole sum appropriated in treating with them. You will, therefore, consider the amount as subject to your control in your Treaty with the Creeks; taking care so to make your arrangements that the whole amount to be spent in the negotiation, including the expenses of your Commission, issues of provisions to the Indians under your orders, presents to them, and such preliminary expenses as the Agent may be authorized to incur, shall not exceed 30,000 dollars. The principal article of expense will probably be the issue of provisions to the Indians while treating with them, as it is usual for the greater part of the Nation to assemble on such occasions. The probable amount of provision which will be required, and the price at which it can be obtained, can be ascertained by a Correspondence with the Agent, General D. B. Mitchell, who has been instructed to obey your orders on all points connected with the proposed Treaty, and to take such steps as he may judge best calculated to prepare them for it. The enclosed Circular will be complied with in contracting for the provisions, and in issuing them; to which, as there has in some instances been great irregularity, I particularly call your attention. On consulting with the Members from Georgia, I am of the impression that a Cession from the Creeks of the northern portion of their Territory, so as to admit of a white population between them and the Cherokees, would be preferred, which you will accordingly first propose and urge on them. In the event of their agreeing to such a proposition, it may be proper to observe, that there is some uncertainty as to the true line between the Creeks and the Cherokees; and that, after investigating the subject 2 years ago, in the presence of a Delegation from both Nations, it is believed that the claims of the Creeks do not justly extend north of a line drawn due west from the high shoal of the Apalachee.

Should they refuse the Cession proposed, it would be next most desirable to obtain a Cession, to extend from the northern limits of the Creek Territory south, along the line between Georgia and the Creek Indians, to be extended as far south and west as can be obtained.

The sum to be stipulated for any Cession which may be made must

* Presented to Congress, January 1829.

be left very much to your sound discretion, taking into consideration the extent and quality of the Country to be ceded; but rather than the Treaty should fail, the price ought to be liberal. In no event, however, ought a price to be given, which, on comparison with that usually given for Indian Cessions, might be considered extravagant. The price given for the last Cession, made in the Treaty held by the present Agent on the 22d January, 1818, is considered (taking into calculation the extent of Country acquired, and the quality of the soil) as very high, and ought not to form a precedent to be followed on the present occasion. An annuity for a term of years would be preferred to a permanent one; or if an exchange of territory for lands beyond the Mississippi can be agreed on, it would be preferred to an annuity in any shape.

Commissioners have been appointed by the State of Georgia to claim property of the Citizens of that State under the provisions of the Treaties of New York and Coleraine. You will correspond with them, and inform them of the time and place of holding the proposed Treaty. You will render them every aid which may tend to effect the object of their Commission.

For the expense of negotiating the Treaty, you will draw on the United States' Branch Bank at Savannah, of which you will give the Department notice. The Bank will be authorized by the Treasury Department to accept your Drafts, provided they do not exceed 30,000 dollars.

Your compensation will be at the rate of 8 dollars per day, for the time actually engaged, and the Secretary to the Commission (whom you are authorized to appoint) at the rate of 5 dollars per day for the time actually engaged. The payment will be made on your certificate of honor, specifying the time that you have been actually engaged. You will also certify the time that the Secretary may be actually engaged. Your Certificate in like manner will be a necessary voucher, for the presents that may be distributed under your authority.

The Treaty, when made, will be forwarded to this Department.

I have, &c.

Col. A. Pickens & Gen. Thos. Flounoy.

J. C. CALHOUN.

(B.)—*The Secretary of War to the American Commissioner.*

SIR,

Department of War, 19th October, 1820.

I HAVE laid your Letter of the 13th instant, before the President, and I am directed by him to say, that he regrets much that any difference of opinion should exist between you and the Commissioners on the part of the State of Georgia, which might, in its consequences, endanger the successful termination of the contemplated Treaty.

The Treaty contemplated to be held with the Creek Indians being at the request of that State, and intended for her benefit, it is desirable

that the Treaty should be conducted in a manner which may be perfectly satisfactory to her; and for that purpose, as well as to ensure success, the intercourse between the Commissioners of The United States and hers should be of the freest character. You will, accordingly, co-operate with them in the fullest manner, in promoting to the extent of your powers, the interests and views of the State, consistently with the Instructions you have received from this Department. Yet there can be no doubt that the Commissioners on the part of The United States have, alone, the power to conclude and sign the Treaty. The State Commissioners cannot, without holding a Commission also from The United States, have any such power; and the Governor of Georgia will, through the proper Department, be accordingly so informed, which I hope may remove the difficulty between you and the Commissioners, as I infer from your Letter that is the sole difficulty. But it is proper to observe, that, by a Letter from the Governor of Georgia, enclosing a Copy of one from you to General Adams, which has been received at the State Department, it would seem that the sole difficulty was not the one which I have inferred from your Letter. I do not understand from Governor Clark's Letter that he insists on the right of the Commissioners of Georgia to conclude and sign the Treaty, but that he is of an opinion that you are not disposed to co-operate with their Commissioners to the extent that he was led to believe, from his Correspondence with the Executive Government here, that you would be instructed to do, and which, regarding the successful termination of the Treaty, he thinks you ought. It is probable that he has received his impression from that portion of your Letter to General Adams of the 7th September, in which you decline to furnish him with certain details which he requested. Not having a Copy of General Adams' Letter to you, I can form no opinion as to the propriety of his inquiries; but I cannot think there can be the least impropriety in communicating freely with them on all points, in order to a full co-operation. Their character, and the commission which they hold, are a full guarantee that the confidence reposed in them will not be betrayed; but, on the contrary, a full and reciprocal confidence may contribute much to the successful Negotiation of a Treaty, in which the State has so deep an interest.

In order to apprise Governor Clark of the views of the Government in this business, Extracts of that part of this Letter and of the original Instructions to you, which relate to a co-operation with the Commissioners of Georgia, will be communicated to him through the State Department.

Colonel Pickens, by his Letter of the 11th September, has transmitted his resignation, which has been accepted, and the Honourable D. M. Forney, of Lincolnton, N. C. has been appointed in his place,

who is instructed to correspond with you on all points connected with the proposed Negotiation.

I am not sufficiently acquainted with the localities of the Country beyond the Mississippi, to which the Indian title has been extinguished, to designate a particular tract to be offered to the Creek Indians in exchange for theirs, should they be inclined to make an exchange. But, in that event, a tract may be offered to them on the Quapaw Cession, to be laid off any where upon it, (the farther to the south and west the better,) that the Deputies whom the Creek Nation may send out to explore the Country may choose; provided the tract chosen does not interfere with any previous grants, or with the Quapaw reservation. The United States to furnish an Agent to accompany the Deputies in exploring the Country. The enclosed Extract from the Treaty with the Quapaw Nation designates the Boundaries of the Cession, which may be easily traced upon Mellish's map, and also those of the reservation above-mentioned.

In relation to the transfer of funds, I cannot conveniently comply with your request, as the Treasury Department has no funds in Augusta; but the commercial intercourse between that place and Savannah is believed so to be so intimate, as to render the difference of exchange between the 2 places so unimportant that you will experience little or no inconvenience from it.

I have the honour, &c.

General Thomas Flournoy.

J. C. CALHOUN.

(C.)—*The Secretary of War to the American Commissioner.*

SIR, *Department of War, 19th October, 1820.*

I HAVE the honour to inform you that the President of The United States has appointed you a Commissioner, in conjunction with General Thomas Flournoy, of Augusta, Georgia, to negotiate a Treaty with the Creek Nation of Indians. Your Commission will be forwarded to you as soon as it is prepared.

I enclose, for your information, a Copy of my Instructions to the Commissioners. General Flournoy has been informed of your appointment, and that you would be requested to correspond with him upon all points connected with the Negotiation.

I have the honour, &c.

The Hon. Daniel M. Forney.

J. C. CALHOUN.

(D.)—*The Secretary of War to the American Commissioner.*

(Extract.) *Department of War, 22nd November, 1820.*

THE President of the United States has nominated you to the Senate, as a Commissioner to treat with the Creek Indians.* So soon as the Senate confirms the nomination, a Commission will be

* General Meriwether was appointed in the place of General Flournoy, who resigned.

forthwith transmitted to you ; and, in the meantime, I send herewith Copies of my Letters to General Flournoy, which you will consider as your Instructions to guide you in holding the Treaty.

The Honourable Daniel Forney, of North Carolina, has been appointed a Commissioner to act with you, and has been instructed to confer with you on the subject.

General David Meriwether.

J. C. CALHOUN.

(E.)—*Talk delivered by The United States' Commissioners to the Creek Indians.*

FRIENDS AND BROTHERS : General Meriwether and myself have been directed by your Father, the President, to meet you here, to shake you by the hand, and renew to you the assurances of his friendship and protection.

Friends and Brothers : The People of Georgia have complained to your Father, the President, that you have not done them justice : that you have not given up the property which your People took from them, and which you promised to restore by the Treaties which you have made with him at New York and Coleraine.

Friends and Brothers : Your Father, the President, is very sorry to hear of any difference between his white and his red children : he loves them both, and wishes them to love each other, and has sent us to hear what each has to say. The Governor of Georgia has sent Commissioners to talk with you on the subject, and your Father, the President, wishes you to listen to them. Your Father, the President, wishes you to do justice to all his children, and has instructed us to endeavour to settle the differences between his children, like friends and brothers.

Brothers : Listen to the talk of your brothers from Georgia : think on it, and make your answer ; when this is done, we will tell you what further business your Father, the President, has directed us to lay before you.

(F.)—*Talk delivered by the Georgia Commissioners to the Creek Indians.*

Indian Spring, 27th December, 1820.

BROTHERS : Our head man, the Governor of Georgia, under the authority of our Father, the President, has sent myself, General Adams, and General Newman, to meet you here, to draw closer the bonds of friendship which our Father, the President, hopes will always exist between his white and red children.

Brothers : In order that the chain of friendship may remain bright between the white and red People, it is necessary that they should do justice to each other. This the white People are always willing to do,

and expect to meet the same friendly disposition amongst the red People, their brethren.

Brothers : Long before our Father, the President, made a Treaty with you, the head men of Georgia and your Nation talked together, and agreed to bury all differences, and to have perpetual friendship. We wish these agreements to be fully and fairly complied with on the part of the red People, as they have been, and will be, on the part of the white People.

Brothers : Your head men and warriors, at a Treaty held at Augusta a long while ago, then at a place called Galphinton, then at Shoulderbone, then at New York, then at Coleraine, promised to restore all the property which had been taken from us by your People, and to make good the damage they had done us.

Brothers : Your friend, the Governor of Georgia, has now sent us here to lay this business before you, and to listen to what you have to say on the subject. The white People wish to be friends to the red People, and hope that, as good men, on both sides, they can agree upon what is right.

(G.)—*Talk delivered by the Georgia Commissioners to the Creek Chiefs.*

BROTHERS :—We now, agreeably to our promise of yesterday, lay before you a Statement of the Claims of the People of Georgia against your Nation. These Claims you have promised to adjust and settle, in all the several Treaties which were mentioned to you yesterday.

This business has remained so long unsettled, that an adjustment of it now is necessary for the preservation of friendship between the white and red People.

Look at the Accounts; they are proved according to the Laws of our Country, and we wish to hear what you have to say about them.

The President of The United States and the Governor of Georgia, expect the red People to do justice to the white people. They ask no more.

28th December, 1820.

(H.)—*Answer of the Creek Chiefs, to the Talk of the Georgia Commissioners, delivered by General M'Intosh.*

HE said he was glad to hear of the friendly disposition of the Commissioners on the part of the State of Georgia : that he feels the same friendly disposition himself, and will now proceed to answer them. He then observed that 2 Commissioners on the part of the President of The United States, had delivered him the Talk of the President ; and he hoped the Commissioners of Georgia and himself would be able to settle amicably all differences between them. That he did not know he was called here to answer for the Claims of the State of Georgia

until he heard the Talk of the State Commissioners on yesterday ; that he had looked over the Statement of Claims exhibited by the Commissioners of the State ; that many items in the Account he knew nothing about ; that 30 years ago, after General M'Gilvery held the Treaty of New York, on his return to the Nation, he informed the People that he had promised to deliver up all the Prisoners and Negroes of the Whites then in the Nation, but were not to be liable for any that were dead or removed, and nothing was said about any other Claims ; that, shortly after the Treaty of New York, another was held at Coleraine, before which some of the white and black Prisoners were collected, principally from the Upper Towns, and delivered to Major Seagrove, then The United States' Agent. At the Treaty of Coleraine, a similar Account with that now exhibited was presented by General James Jackson, and the Chiefs then refused to acknowledge it, except so far as the items therein contained were embraced in the provisions of the Treaty of New York, in which no other property is promised to be restored than Negroes and Prisoners. At the Treaty of Coleraine they agreed to restore the stolen property in the Nation. That in conformity with the Treaty of New York, they have collected and delivered to Colonel Hawkins a number of the Negroes alluded to ; that Colonel Hawkins, in all his Talks, reminded them of the provisions of the Treaty of New York, but never brought forward such a Claim as the present one, nor did he insist for any compensation for damage done before the Treaty of New York ; that Colonel Hawkins once informed them that he had an Account, in favour of the People of Georgia, against the Nation ; that he never laid it before the Nation, but said he had sent it to the President of The United States. These things all passed before he was a Chief : since that, he has himself collected some and delivered them up. During the late War, the British collected many of the Negroes of the Nation and carried them off, but left some of them in a Fort with a large quantity of arms and ammunition, and many of the Negroes of the Country joined them ; he took his Warriors and joined the American Army, under Colonel Clinch, attacked the Fort and blew it up ; many of the Negroes were destroyed in it ; those which remained were taken and delivered to Colonel Clinch for their owners. Some of the Negroes yet remained in Florida among the Seminoles. He joined General Jackson's army, went down and took some of them, which were reported to The United States' Agent, and some of them delivered. Some of them remain there yet. If the President admits that Country to belong to the Creek Nation, he will take his Warriors, go down, and bring all he can get, and deliver them up. He thinks the Creeks have complied with the Treaties of New York and Coleraine. If, however, any of the Negroes remain in the Nation, he will hunt them out, and deliver them up, or pay for them.

On looking over the Account, he finds many trifling things which he did not expect would be presented. The Indians have also many claims against the white People. He does not think this the right way to settle them, but is willing to refer all the Claims on both sides to his Father and Protector, the President of The United States. He observes that no credit is given upon the Accounts exhibited for the property which has been returned. When all the Claims are exhibited and examined, he does not think there will be much difference between the Georgians and the Creeks. He will not say there is no property in the Nation belonging to the Georgians, but he does not know of any; if there is any, he is willing to restore it, or pay its value. This is all he has to say; if 2 friends, one owe to the other, even individuals, they should not be too hasty in calling for pay, when the debtor is unable to pay. He is willing to pay whatever is just.

(I.)—*Talk delivered by the Georgia Commissioners to the Creek Indians, 29th December, 1820.*

BROTHERS: We have heard your Talk of yesterday, and considered it over. The friendly disposition which it shows leaves little doubt but that the friendship which is so necessary to the prosperity of the white and red People, may be long preserved by a mutual disposition to do justice. We are, however, sorry to find that you do not consider yourselves bound to restore to us the property, as well as the Negroes, taken or destroyed by your Nation before the Treaty of New York.

Brothers: We are sorry and surprised to hear that you were not fully informed of the object of this meeting. It has been so long known, that we had no doubt but you were fully informed as to the business which we had with you.

Brothers: We, your friends, want nothing but what is right, but that we must insist upon. You were bound to restore all property taken from us, even by the common rules of justice, if you had not agreed to do so by Treaty: but in the Treaty of Augusta, 37 years ago, you agreed to restore "all Negroes, horses, cattle, or other property, taken since the late War." By the Treaty of Galphinton, 35 years ago, you agreed to restore "all the Negroes, horses, or other property, that might be among you, belonging to any Citizen of this State." In the Treaty of Shoulderbone, 34 years ago, you made the same promise in nearly the same words; and none of these promises have been fulfilled with good faith. By the Treaty of New York, you promised to restore "all the Negroes then in the Nation, belonging to the Georgians, to the Commanding Officer at the Rock Landing;" and that has not been done. But even that Treaty, although it mentioned nothing but Negroes, could not discharge you from the

obligations you were under to restore "all property" in the previous Treaties. By the Treaty of Coleraine you entered into the same obligation, and renewed the same promises, which you made at Augusta, Shoulderbone, and Galphinton.

Brothers: Knowing that some bad men live on our Frontiers, who are disposed to do mischief, we are not surprised to hear that you have Claims against the white People which have not been exhibited. We, too, have Claims which have not been exhibited to you, but which we have always intended to exhibit, when a proper mode should be agreed on by which these respective Claims should be adjusted. These Claims have not been brought against you during the time of your troubles; but the People of Georgia have waited so long now to have these things settled, that a speedy adjustment is absolutely necessary.

Brothers: We know or have heard of very few Negroes having been returned or paid for, except runaways, whilst a number, which have been plundered, and have otherwise got into your Nation, never have been accounted for. This state of things has already existed too long. As to the Negroes which have been carried away by the British, or have been destroyed in any manner, during the late War, we consider you responsible for such of them as belonged to the People of Georgia; if they had remained here, they would have been safe; and it was your act and not ours, which carried them to the scene of War; and our head man, the Governor of Georgia, has directed us to insist, according to the Laws of our Country, upon the restoration of, or payment for, the increase of all such Negroes belonging to the People of Georgia as have increased, and an adequate reward for the use of such Negroes and property as may not have increased.

Brothers: As to the Negroes now remaining among the Seminoles, belonging to the white People, we consider those People, the Seminoles, a part of the Creek Nation; and we look to the Chiefs of the Creek Nation to cause the People there, as well as the People of the Upper Towns, to due justice.

Brothers: We know that a final adjustment of these things is extremely difficult; and for the purpose of avoiding all causes of animosity between us, who are neighbours and friends, we agree to your proposition to submit all our Claims on both sides to our common Father, the President, whose decision we will conform to on our part, and hope there may never more be any cause for difference between us.

Brothers: It only now remains for us to repeat, that we assent to the mode proposed by you for settling these differences; and accordingly will now present an Agreement to be entered into between us, which will put an end, we hope, to all discontents.

(J.)—*The United States Commissioners to the Secretary of War.*

SIR, *Indian Springs, Creek Nation, 9th January, 1821.*

WE have the honour, herewith, to enclose a Treaty with the Creek Nation of Indians. In conformity with our Instructions, we have proposed to them a Cession of Country adjoining the Cherokee Boundary, but found it impracticable to obtain such a Cession at this time.

As an inducement to a Cession, we also proposed an exchange of Territory, but were informed that they were rather disposed to remain where they now are, and gradually turn their attention to husbandry, than cross the Mississippi in search of game; that they had made a Law, by which those who abandoned their Country, in the pursuit of game, were deprived of all their rights in the Creek Nation; but that, in the event of any Town or Towns wishing to cross the Mississippi, the Nation would be willing to give up *their* Land to The United States for Lands there. With regard to the Cession now made, so far as the wishes of the People of Georgia were to influence our conduct, for whose benefit we were instructed this Treaty was to be held, we must believe that no tract of Country, of equal extent, within the Indian Boundary, is as fertile or as desirable as the one now ceded. The only difficulty that has presented itself to our minds in the execution of this business, is the sum stipulated for the Cession. We have endeavoured to make this as easy as possible for the Government, by the extension of the time of payment.

The quantity of land embraced in the Cession, by the most accurate calculations we have been able to make, falls but little, if any, short of 5,000,000 of acres, for which you will perceive, by the Treaty, we have engaged the Government to pay 450,000 dollars. But it is necessary to state that the sum of 250,000 dollars, set apart as a fund for the payment in full of the Claims of the Citizens of Georgia against the Creek Nation of Indians, must be considered more in the light of a nominal sum than an actual debt; for, from the partial investigation we have given this subject, we cannot believe these Claims, on a fair settlement will exceed 100,000 dollars; and if they should be restricted to the Stipulations of the Treaties of New York and Coleraine, for which the Indians contend, the amount will be much lessened. Upon this point we forbear to express an opinion, as under the Articles of Reference, which accompanies this, it is left with the President to decide upon matters touching these Claims, in such manner, and under such rules, regulations and restrictions, as he may prescribe. To enable you to judge more correctly on this subject, we enclose the substance of the Communications between the Commissioners of Georgia and the Indian Chiefs; and for more particular information, we beg leave to refer you to General Mitchell, the Agent, in whose possession the

Indians will deposit a Copy of a Schedule containing nearly the whole of these Claims, collected and embodied under an Act of the Legislature of Georgia. But, independent of this consideration, we believe the whole amount would only be a fair and reasonable consideration for the Cession. The annuities were arranged so as to meet the wishes of the Nation, communicated to us through the Agent, General Mitchell. In order in some measure to comply with the expectations of the Chiefs, which had been improperly and unreasonably excited, we found ourselves compelled to make a payment in hand, or to swell another item in the account of expenditures, which to us was extremely odious and objectionable.

We have been considerably embarrassed in negotiating this Treaty by the Claims of the Citizens of Georgia, and conflicting Instructions, emanating, as was pretended, from the same source. But however unpleasant this may have been to us, it will afford us great pleasure to have been able to accomplish the views of the Government. Owing to the inclemency of the weather and other causes, there have been but few Indians attending the Treaty, and the issues during the whole period have not exceeded 1,600 rations. General Meriwether, in compliance with a previous promise of General Flournoy, advanced 3,000 dollars to the Contractor. The issues having fallen so far short of what was contemplated in the Contract, the Contractor thinks an allowance should be made him for losses sustained on the provisions purchased. Not feeling ourselves warranted in making him the allowance he wished, we forward you his Receipt for 3,000 dollars, and have left the Account open. Enclosed also is an Account of all expenditures. It would be doing an injustice to our own feelings to close this Communication, without acknowledging the great obligations we are under to the Agent, for his promptness in affording us every assistance, to the extent of his influence, in bringing this Negotiation to a successful termination.

Very respectfully, &c.

D. M. FORNEY.

D. MERIWETHER.

The Honourable J. C. Calhoun.

(Enclosure.) — Treaty between The United States and The Creek Nation of Indians. Signed at the Indian Spring, 8th January, 1821.

[See Vol. 1820, 1821. Page 1114.]

STATEMENT of the Revenue and Expenditure of the United States of the Ionian Islands. 1817, 1818, and 1819.

REVENUE.

	FOR THE YEARS			NOTES.
	1817	1818	1819	
	Dollars.	Dollars.	Dollars.	
Customs and Duty on Oil exported	223,619	318,446	194,822	The crop of oil is biennial; it happened in the years 1817 and 1819. The increase of the revenue, in consequence of the exportation of that article, takes place in the alternate year, viz. 1818.
Currants exported	57,220	94,852	71,677	
Rents of Public Lands and Buildings	11,251	24,925	20,431	
Tithes	10,429	12,876	15,648	
Salines	13,217	17,024	10,223	
Fisheries	2,022	2,221	1,405	
Tobacco	21,229	19,861	21,236	
Wine and Spirits	19,698	24,842	18,014	
Minor Duties, as Cattle imported, &c.	9,941	15,137	22,955	
Tonnage and Port Duties	9,437	12,532	11,654	
Valonia sold	599	3,737	2,274	
Incidental, including final collections of abolished Duties, and profit from Corn Administration	12,356	68,784	43,089	
Total Dollars....	391,018	615,237	433,428	

EXPENDITURE.

Civil Establishment of General and Local Governments	365,893			The increase of expenditure in 1818, was principally occasioned by the transfer of the British army Flotilla to the Ionian Establishment, as well as by the payment from that establishment, of many contingencies for the British troops serving in the Ionian Islands.
Military Expenditure, comprising Marine Department, & Army Contingencies	N.B. The expenditure for this year was not stated under separate heads, as now practised under the present Constitutional Government.	237,423	236,553	
Public Works		74,465	51,671	
Public Quarters		23,353	26,104	
Sanita		30,255	23,483	
Incidental		4,612	1,370	
		68,202	64,055	
Total Dollars....	365,893	438,310	403,236	

Audit Office, Corfu, 20th April, 1821.

I certify that the above is a true Abstract from the detailed accounts deposited in this office, of the Revenue and Expenditure of The United States of the Ionian Islands, for the Years 1817, 1818, and 1819.

J. WOODHOUSE, Auditor-General.

CORRESPONDENCE of the British and Ionian Governments, relative to the Cession of Parga to the Ottoman Porte.—1817 to 1820.

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*No. 1.—M. Gregorio Maurogianni to Earl Bathurst.**Londres, le 8 Janvier, 1820.*

AFIN d'exécuter les ordres de votre Excellence, et de se conformer en même temps aux Instructions de ses Commettans, le Soussigné croit de son devoir d'accompagner les Pétitions du Peuple de Parga avec une série de faits, de dates, et de Documents, qui serviront à placer le sujet sous un point de vue qui puisse aider à découvrir la vérité, et à justifier en même temps nos humbles remontrances, et la nécessité dans laquelle nous nous sommes trouvés de les présenter directement à son Altesse Royale le Prince Régent, et à ses Ministres.

Les Commettans du Soussigné, sans s'arroger de discuter les transactions diplomatiques de la Grande Bretagne concernant leur Pays, ont prescri au Soussigné de se limiter à rappeler l'Article VIII du Traité de Constantinople, de 1800, par lequel ont été établis les droits des Turcs sur Parga avec des privilèges en faveur des Pargiotes. Le Traité de 1800, ayant été la base, sans aucune modification du Traité de Paris, de 1815, il paraît évident que la faculté offerte aux Pargiotes par le Gouvernement Britannique d'émigrer, et l'obligation d'Ali Vizir de payer leurs propriétés, doivent être considérés, telles qu'elles sont réellement, des compensations pour leurs privilèges, selon le susdit Article VIII du Traité de 1800, dont le Soussigné insère un Extrait, mot-à-mot. (See Page 448.)

Avant d'en avoir reçu une Notification officielle, le bruit du malheur de leur Patrie étant arrivé aux Pargiotes, ils adressèrent une supplication respectueuse à son Excellence le Lord Haut Commissaire, en lui rappelant les engagements du Général Campbell son Prédécesseur, vis-à-vis la Ville de Parga, et la manière dont les Anglais en avaient eu possession par les seuls efforts des habitants, et en le priant de les instruire du sort futur de leur Patrie: son Excellence le Lord Haut Commissaire n'a point répondu.

Six mois après, son Excellence étant revenu d'Angleterre aux Iles Ioniennes, la Population de Parga renouvela les supplications par le moyen d'une Députation, et d'un Mémoire. Son Excellence nous a dit qu'aussitôt connu les déterminations du Gouvernement de Sa Majesté, il nous les aurait fait communiquer.

En Mars 1817, la Garnison Anglaise fut augmentée dans la Forteresse de Parga, et le Lieutenant Colonel de Bosset étant venu la commander, annonça aux Pargiotes la cession de leur Patrie aux Turcs. Ils demandèrent que cela leur fut déclaré par une Proclamation signée par le Lord Haut Commissaire, d'après l'autorisation des Ministres de Sa Majesté, puisque l'inutilité de notre Traité antérieur avec les Officiers Anglais nous avait obligés à prendre la résolution de n'ajouter foi qu'aux déclarations explicites du Gouvernement.

Par conséquent, les Primats remirent au Commandant de la Forteresse un Mémoire respectueux, qu'ils adressaient à son Excellence le

Lord Haut Commissaire, pour supplier son Excellence d'intéresser le Gouvernement et la Nation Britannique en leur faveur. Le Commandant déclara aux Primats qu'il n'était pas autorisé d'envoyer à son Excellence des réclamations qui devraient rester inutiles.

Le jour suivant, le Commandant rassembla officiellement les Primats, en leur lisant une Lettre de son Excellence adressée au dit Commandant, par laquelle le Lord Haut Commissaire s'engageait formellement de laisser émigrer les Pargiotes—de faire payer les propriétés par Ali—de leur fournir des bateaux gratis pour leur transport aux Iles—de ne point céder Parga, que lorsque l'argent aurait été remis aux propriétaires des biens; en ajoutant que tout point qui aurait exigé d'être expliqué devrait être interprété en leur faveur, et dans aucun cas contre eux.

Deux mois après, Hamed Bey, agissant pour la Porte avec les Instructions d'Ali Vizir, et M. Cartwright, agissant pour Sa Majesté Britannique, d'après les Instructions du Lord Haut Commissaire, signèrent à Joannina une Convention, par laquelle les biens des Pargiotes devaient être estimés de part et d'autre avec zèle, activité et équité. Cette Convention était conforme aux promesses antérieures du Lord Haut Commissaire.

En même temps, les Pargiotes présentèrent un nouveau Mémoire au Commandant pour être transmis à Corfu, et sur le refus qu'il leur fit encore de le recevoir et de le transmettre, les Primats déclarèrent qu'ils iraient le présenter eux mêmes, et qu'ils ne céderaient qu'à la force; sur quoi le Commandant ne fit pas d'opposition forcée. La Députation arriva à Corfu, et du Lazaret elle envoya le Mémoire au Colonel Stuart qui faisait fonctions du Lord Haut Commissaire. Cet Officier lui fit répondre par une Lettre humaine signée W. Meyer, et la Population de Parga étant alors dans une extrême détresse, les Députés demandèrent un emprunt d'argent pour acheter du blé. Le Colonel Stuart leur donna à titre d'emprunt du blé en nature. Les Primats s'engagèrent alors d'en rembourser le prix, et à l'échéance ils le payèrent.

Vers la fin du mois de Mai, une Proclamation du Colonel Stuart, faisant fonctions du Lord Haut Commissaire, assura aux Pargiotes la protection du Gouvernement Britannique en faveur de tous ceux qui voudraient s'émigrer, en le prévenant que le Commissaire Turc et le Commissaire Anglais entreroient dans la Ville pour s'occuper de l'estimation des biens des Emigrants, d'après la Convention de Joannina.

Dans ces entrefaites le Commandant de la Forteresse avait interrogé séparément les Primats, à l'égard du nombre des Emigrants, et du prix équitable en approximatif de leurs biens; ils lui répondirent que vraisemblablement tout le monde émigrerait; sur quoi il établit un Comité de 20 individus, qui, par un travail assidu fait sous l'inspection du dit Commandant, et en dénombrant les champs de blé, les vignes,

les jardins, les plantes d'oliviers, les maisons, les moulins, &c. avaient presque fini leur travail, et la somme dépassait les £500,000 sterlings. Et, si l'on avait complété cette évaluation, la somme se serait apparemment montée à près de £600,000.

Pour base des prix l'on avait adopté les actes des Notaires Publics de la Ville ; dans lesquels étaient enregistrées les ventes que les habitants de Parga avaient faites l'un à l'autre de leurs biens, pendant les derniers 10 ans, et le revenu des mêmes biens pendant le même espace de tems, en fixant les dits prix à un terme moyen entre le maximum et le minimum du prix des ventes, et du revenu. Le Soussigné est dans l'impossibilité de présenter des Documens écrits de cette évaluation ; car tous les Registres furent remis par le Commandant à M. Cartwright, à qui les Primats ensuite les demandèrent, mais il refusa de les rendre ; sans avoir aucun égard à ce que ces Régistres leur appartenaient, puisqu'ils étaient leur propre travail et qu'ils regardaient leurs plus importants intérêts.

Mais, quant à cette évaluation, qui par la somme contraste si fortement avec les évaluations postérieures, le Soussigné, par ordre de ses Commettans, ose implorer de Son Altesse Royale le Prince Régent, et de ses Ministres, de daigner considérer qu'en prenant la somme de £600,000 sterlings, et en évaluant le produit net même au maximum de 5 pour cent par an, l'on n'en pourrait tirer que £30,000 par an ; or la population étant de 3,000 habitans environ, chaque individu n'aurait plus que 10 livres sterlings par an ; ce qui se réduirait à 6½ sols par jour à chaque habitant de Parga, riche et pauvre. Tel aurait été le résultat, si l'on avait payé les biens des Pargiotes £600,000 sterlings ; c'est-à-dire, le prix strictement et équitablement juste de leurs biens :—

Strictement et équitablement juste, car, quant au prix équitable, quelle somme aurait pu le compenser, lorsque l'on considère que la Communauté consistait en presque 800 familles, et qu'à l'exception de 7 à 8 familles, chaque famille possédait une maison, et un champ, et que hormis les Primats, tout individu cultivait son propre champ, de manière que le produit de leurs biens était plus que redoublé par leur travail ! Aussi, la journée de travail d'un laboureur mercenaire, y compris la nourriture, montait à 2½ piastres Turques, (environ 2 schellings Anglais) or, cette distribution de propriétés et de travail formait pour les Pargiotes, une égalité de droit civil, une concorde d'intérêt à défendre par les armes, leur Patrie, une nécessité d'industrie indépendante, une telle absence d'indigence, d'avilissement, de plaintes publiques et de vices ; enfin une telle prospérité dépendant uniquement de leurs propriétés dans la répartition où elles se trouvaient, que les Pargiotes eux mêmes voyaient l'impossibilité d'être compensés, et ils s'étaient résignés à recevoir au moins la somme qui aurait pu assurer à chaque individu propriétaire le reste de 6½ sols par jour.

Mr. Cartwright, après un délai de 4 semaines, confirma les assurances d'un prix juste et convenable pour les propriétés des Emigrans, par une Proclamation qu'il signa en sa qualité de Commissaire de Sa Majesté Britannique.

Hamed Bey exhorta par une autre Proclamation les Pargiotes " d'aimer leur Pays natal et d'y demeurer, en s'engageant au nom de la Sublime Porte que nous jouirions de toute espèce de sûreté, de liberté, d'honneur, de respect et de tranquillité profonde ;" mais il n'a jamais voulu apposer à cette Proclamation, ni son nom, ni son cachet, ce qui confirma encore plus les Pargiotes dans la détermination d'émigrer.

Après leurs Proclamations respectives, les deux Commissaires appellèrent avec solennité tous les habitans males de Parga, en âge de pouvoir avoir une volonté et influencer sur le sort de leurs familles ; et tous, sans exception, un à un déclarèrent qu'ils étaient déterminés d'émigrer.

Depuis lors l'évaluation fut suspendue, et les Primats eurent à veiller jour et nuit pour déjouer les brigues, par lesquels les Agens d'Ali Vizir et les gens bannis et rentrés à Parga tâchaient à tout moment de produire des conspirations et de troubles dans la Ville, afin de forcer les Anglais à l'abandonner à la merci des Turcs. Quelques dépositions des Emissaires et des Voyageurs à Joannina, et à Parga, faites sur serment devant les Magistrats, et dont le Soussigné insère ici une Copie, prouvent une partie de ces tentatives d'Ali Vizir et de ses Agens.

L'opinion générale fut alors, et elle continue d'être encore aujourd'hui, qu'Ali Vizir, croyant d'abord ne devoir payer qu'une petite partie des biens, il s'était prêté à la Convention de Joannina ; mais qu'ensuite voyant que tout le monde émigrerait, il cherchait par ses chicanes, ses délais et ses ruses, à s'emparer de la place, sans payer que le moins d'argent qu'il lui serait possible. Les Primats par conséquent avec un humble Mémoire supplièrent son Excellence le Lord Haut Commissaire d'empêcher les délais, et de déjouer les ruses funestes des Emissaires qui accompagnoient le Commissaire Ottoman.

La connaissance que les Pargiotes ont de la politique d'Ali Vizir, et l'estime qu'ils entretiennent de l'honnêteté des Anglais, les a rendu incrédules aux assurances directes et indirectes d'Ali Vizir, que les Officiers Anglais avaient été mis par lui dans ses intérêts, et que les propriétés Pargiotes seraient sacrifiées.

Quoique ce sacrifice se soit consommé selon les prédictions d'Ali Vizir, les Primats et le Peuple de Parga entretiennent toujours la même opinion honorable du caractère Anglais ; ainsi les faits jusqu'à présent énoncés et ceux qui vont suivre, nous forcent de croire que tous nos malheurs dans l'exécution de la cession de notre Patrie, n'ont pas pris leur source

dans les ordres du Ministère d'Angleterre, mais dans les interprétations arbitraires des instructions du Gouvernement de Sa Majesté. Et s'il a existé quelque nécessité d'aggraver notre calamité, nous en laissons la connaissance à Dieu qui en sera aussi le seul juge infailible.

Après 40 jours, ou environ, le Commissaire Britannique quitta Parga sans avoir commencé l'évaluation. Hamed Bey y demeura, et tout fut suspendu jusqu'au mois de Mars de l'année suivante; lorsque son Excellence le Lord Haut Commissaire envoya à Parga une Proclamation, qui, en déclarant nulle et faite sans ordre toute évaluation précédente des biens, ordonna d'en entreprendre une nouvelle sans délai.

Le Lieutenant-Colonel T. Maitland arriva avec le titre de Commissaire Britannique à Parga. Les habitants furent interrogés de nouveau avec la solennité de l'année précédente, sur leur détermination de partir ou de rester, et tous répondirent qu'ils voulaient émigrer.

L'évaluation fut alors commencée, en excluant tout Expert de la part des habitants de Parga, par la juste raison que les vendeurs ne pouvaient estimer leurs biens avec désintéressement; mais Ali Vizir n'était-il pas l'acheteur? Et pouvait-on croire que les Experts d'Ali Vizir seraient des gens désintéressés? Il est à remarquer qu'on a reçu parmi ces Experts d'Ali deux Pargiotes, qui pour des crimes avaient mérité d'être bannis de leur Patrie par sentence juridique, et dont d'ailleurs le métier et les habitudes n'étaient rien moins qu'analogues à l'emploi d'estimateurs de biens fonds. Ces deux hommes, et d'autres du même caractère, avaient été, malgré les représentations des Primats, admis sous différentes prétextes dans la Ville, pour fomenter parmi les pauvres le désespoir et les troubles que les gens sages ont eu tant de peine à prévenir.

Hamed Bey, Commissaire Ottoman, s'opposa à l'évaluation des Eglises, et des Terres affectées aux dites Eglises, des propriétés des Corporations, des Edifices, et Possessions du Gouvernement Local, ainsi que de toutes les terres qui, quoique appartenant à des individus, n'étaient pas cultivées, telles que les prairies, les champs qu'on a laissé reposer pendant 3 ou 4 ans, et les bois qui n'exigent pas de culture. Le Lieutenant-Colonel Maitland suspendit cette évaluation jusqu'au moment où il aurait reçu de nouveaux Ordres de Corfu. Les Primats remirent au Lieutenant-Colonel Maitland une supplication, qu'il promit d'expédier au Lord Haut Commissaire, par laquelle ils représentaient que par les Documens des familles, aussi bien que par les Registres des Notaires Publics, il était évident que les Possessions des Eglises, les Eglises elles-mêmes, les Edifices des Corporations et du Public, appartenaient en héritage à des familles particulières, qui disposaient des Bénéfices Ecclésiastiques, et qui étaient les Maîtres absolus des terres non cultivées. Son Excellence le Lord Haut Commissaire n'a point répondu. Par ce silence, et par la difficulté insurmontable d'obtenir des passe-

ports, nous nous sommes résignés aux décrets de la Providence, jusqu'au moment qu'elle nous aurait ouvert le chemin vers le Trône de Sa Majesté. L'évaluation des biens s'opéra avec de longs délais, et, non seulement l'on n'a point admis nos Experts, mais l'on nous tenait soigneusement caché le montant du prix donné à nos propriétés. Cependant, en cas que Son Altesse Royale et Ses Ministres l'exigent, nous pourrions citer le témoignage d'individus respectables, et même d'Officiers Anglais de rang, pour prouver que Ali Vizir lui même admettait que le Commissaire Ottoman, et les Experts envoyés de Joannina, avaient évalués les Propriétés des Pargiotes à £213,000 sterlings environ, en excluant les Eglises et les autres propriétés en controverse, et qu'en même le Lieutenant-Colonel Maitland, Commissaire Britannique, et les Experts venus avec lui de Corfu, en excluant pareillement les Eglises, &c. et en fixant chaque bien au dessous du minimum de la valeur, avaient eu pour dernier résultat la somme de £276,075 sterlings.

Au commencement de Mars, 1819, son Excellence le Lord Haut Commissaire déclara de nouveau aux Pargiotes, que le Gouvernement Britannique, en donnant l'attention nécessaire aux intérêts des habitans de Parga, avait ordonné *de ne point céder la place, sans combiner d'avance une juste et raisonnable indemnité; mais en même tems il intima peremptoirement que cette indemnité, en supposant même que tous les Pargiotes quittassent toutes leurs Propriétés, ne pourrait dans aucun cas, ni par aucun motif, être portée au delà de £150,000 sterlings.*

La même Proclamation conclut en avertissant les habitans de Parga, que hormis le paiement des £150,000, ils ne doivent pas s'attendre que le Gouvernement Britannique fasse aucune dépense extraordinaire. Par ces expressions générales il paroissait que le Lord Haut Commissaire rétractait son engagement de fournir aux Pargiotes des embarcations, et des moyens de transport.

Ces intimations si opposées à la Convention de Joannina, aux promesses solennelles des Proclamations précédentes, et à la Lettre de son Excellence, que le Commandant de la Forteresse nous avait communiquée officiellement le 25 Mars, 1817, nous mirent dans le dilemme de penser, ou que le Cabinet Britannique voulait inhumainement, et gratuitement, nous jeter dans le désespoir, ou que le Lord Haut Commissaire, expliquait et exécutait arbitrairement les intentions du Gouvernement. La circonstance de la rétractation des promesses écrites dans la Lettre citée, et qu'il s'engageait de remplir, en donnant pour gage sa parole et son honneur, à un Peuple brave, innocent, et malheureux, nous a portés à rejeter toutes les causes de nos malheurs sur son Excellence le Lord Haut Commissaire; nous espérions néanmoins que l'on respecterait la Convention de Joannina, les engagements officiels de son Excellence, et les Proclamations du Commissaire Britannique qui avaient établi l'entrée des Troupes d'Ali Vizir dans la Place après que les habitans auraient quitté leur Patrie.

La connaissance que le Lord Haut Commissaire avait de l'inflexibilité des Pargiotes sur ce point, et le danger qu'il y avait d'un massacre à la vue de l'ennemi cruel et perfide qu'ils avaient toujours repoussé les armes à la main, confirmaient les Primats dans cette espérance: aussi au premier bruit des préparatifs d'Ali Vizir pour marcher sur notre Territoire, nous avons par une humble supplication imploré de son Excellence le Lord Haut Commissaire le temps, et les moyens, nécessaires pour mettre en sureté nos familles avant l'entrée des Soldats du Vizir. Son Excellence n'a point répondu.

Mais le 9 Avril il fit afficher à Parga une Proclamation, par laquelle il donnait la liberté de partir à ceux qui avaient préalablement enrégistré leurs noms chez le Commandant de la Forteresse. Son Excellence néanmoins nous intimait, "*que sa volonté était que les habitans ne dussent quitter leurs maisons qu'après l'entrée d'une partie des Troupes d'Ali Vizir, et après que la remise de la place aux Turcs serait effectuée dans toutes ses parties.*"

Une semaine après, le Général Adam débarqua à Parga, réunit 14 Primats et leur dit: "Qu'ayant appris que tout le monde s'inscrivait, il était venu les avertir que les Pargiotes ne devraient partir qu'après l'arrivée de quelques ratifications de Constantinople au sujet des Iles Ioniennes, et après qu'Ali aurait compté l'argent pour l'indemnité des propriétés; qu'en attendant les Turcs entreraient sur le Territoire de Parga, et que leur avant garde serait venue se loger dans un Couvent," ce qui est près de la mer à un quart de mille de la place.

Les Primats répondirent au Général Adam, que le Peuple demeurerait à Parga tant que les Turcs se tiendraient au-delà des confins Pargiotes. Le Général alors ordonna d'interroger tout le Peuple, et tout le Peuple répondit qu'il s'accordait à la décision des Primats. Et ce fut la 4^{ème} interpellation solennelle à ce sujet depuis celle qu'avaient faite M. Cartwright, et le Commissaire Ottoman. Sur quoi le Général Adam nous a répété que nous prenions un mauvais parti. Il promit toutefois d'écrire à Corfu pour obtenir des barques de transport, et il s'en alla le même jour.

Après 5 jours d'attente, ne voyant pas arriver de Corfu les barques de transport, et les Turcs s'avancant de plus en plus, les Primats, à la suite d'une longue consultation, s'assurèrent qu'il n'y avait que deux partis à prendre, l'un d'abandonner la population à soi même,—ce que dans l'absence des moyens d'embarcation l'aurait poussée à des actes de désespoir, qu'Ali Vizir leur aurait fait expier par un massacre général, quoiqu'il en fut auteur; l'autre, de procurer de tous côtés des embarcations, et de renvoyer la population à Corfu. C'est à ce dernier parti qu'on s'est arrêté, après qu'on réussit à se procurer à grands frais, et aux dépens des Primats, des barques mercenaires des Ports les plus proches des Iles Ioniennes. Les propriétaires moins pauvres distri-

buèrent à leurs Concitoyens 2,000 sacs de grains, et d'autres provisions de vivres, pour faire front à leur indigence, dans les premiers jours de leur débarquement chez l'étranger.

Ce transport de familles de Parga commença le 16 Avril, et fut terminé dans les premiers jours de Mai 1819. Vers la fin d'Avril le Colonel Robinson, apparemment par ordre de son Excellence le Lord Haut Commissaire, envoya à Parga quelques petites barques, qui servirent à transporter une quinzaine de familles entre Pargiotes et Albanais chrétiens, dont la plupart pour se soustraire aux poursuites d'Ali Vizir s'étaient réfugiées depuis quelques années dans notre Ville.

Vingt individus Pargiotes que le Commandant de la Forteresse avaient empêché de partir, parcequ'ils étaient employés aux vivres de la garnison, eurent le soir du 9 Mai l'intimation du dit Commandant, que le lendemain on devait faire la cession absolue de la Ville, et que tout individu avait seulement le temps de partir cette même nuit. Si ces mots n'ont pas été arbitrairement prononcés par le Commandant de la Forteresse, comment les concilier avec les ordres de la Proclamation de son Excellence le Lord Haut Commissaire, qui nous intimait sa volonté, que nous n'émigrassions pas jusqu'à ce que la cession de Parga eut été accomplie dans toutes ses parties? Et quelle base, quelle certitude, avons nous pour connaître toutes les conditions de cette cession, puisque l'on avait violé la Convention de Joannina, et rétracté toutes les promesses officielles de son Excellence au nom du Gouvernement Britannique? Les 20 individus Pargiotes au service de la Garnison n'eurent que le tems de sauver leurs personnes, en abandonnant leurs meubles, et en se livrant à la mer qui était dans ce moment extrêmement orageuse. Ils furent les derniers qui débarquèrent aux Iles Ioniennes.

Au défaut de logemens à Corfu, plusieurs familles pauvres furent recueillies dans des maisons louées par les Primats plus riches, d'autres se réfugièrent dans des églises désertées et en ruine dans un faubourg; quelques uns couchèrent pendant quelques nuits dans la rue, et sur le rivage de la mer, où ils étaient, au moment de leur débarquement, harcelés par le Commissaire des Douanes pour le paiement des droits sur leurs provisions. Son Excellence le Lord Haut Commissaire a fait par la suite donner aux plus pauvres des casernes militaires, et l'on a dressé une liste d'environ 1,000 individus Pargiotes les plus nécessiteux, auxquels l'on a fourni 2 livres de pain par tête pendant environ 10 jours. Alors on diminua le nombre de ces rations à 600, et après environ 15 autres jours les rations furent tout à fait discontinuées.

Les dangers de la mendicité et le désœuvrement auquel la Population de Parga se serait habituée, quand même elle aurait obtenu plus long tems le secours des rations de pain, engagèrent les Primats à supplier son Excellence le Lord Haut Commissaire d'ordonner la distribution du paiement de leurs biens; paiement qui, étant à peine équi-

valent au quart de la valeur de leurs biens, aurait été refusé par les Pargiotes, jusqu'à ce qu'ils eussent porté leurs réclamations aux pieds de Sa Majesté ; mais la nécessité les forçait à demander ce paiement de leurs biens, d'autant plus qu'il regnait parmi les gens sages la crainte que leurs pauvres Concitoyens fatigués de la misère ne retournassent désespérés à Parga. Ils avaient abandonnés leurs terres au moment même de la récolte des grains, et lorsque tous les fruits de leurs jardins étaient près d'être cueillis. Des Emissaires d'Ali employaient à Corfu toutes sortes de stratagèmes et de promesses, pour induire les Pargiotes à retourner individuellement dans leur Patrie qu'ils avaient quitté en masse, et les contradictions des dernières Proclamations faisoient soupçonner à tout le monde, qu'il y eut une intelligence secrète avec Ali Vizir, d'empêcher possiblement l'émigration des Pargiotes, et de continuer à les réduire à l'extrémité, de manière à les obliger de retourner dans leur Ville.

Par conséquent, 8 jours après que la Population de Parga était toute dans les Etats Ioniens, une Députation de 3 Primats se rendit au Palais, implorant de présenter à son Excellence le Lord Haut Commissaire une Pétition pour le paiement de leurs propriétés.

Un Secrétaire de son Excellence, nommé Colonel Hankey, vint devant la Députation de 3 Primats dans l'antichambre, prit la Pétition et la jeta sur une table, et avant qu'aucun Membre de la Députation eut ouverte la bouche, il les chassa péremptoirement avec les mots précis : *Andate via fuori di casa.* Le Soussigné se trouvait alors parmi les Députés, et ce traitement nous a fait profondément repentir de nous être soustraits au glaive des Turcs pour nous exposer au mépris des Chrétiens.

Quatre jours après cet événement, le Sénat des Iles Ioniennes, avec l'autorisation de son Excellence le Lord Haut Commissaire, confirma par son Décret du 22 Mai, 1819, l'ancien droit des Pargiotes à être Citoyens des Sept Iles, sous la condition que tout Pargiote qui voudrait acquérir le droit de Citoyen Ionien devrait se faire inscrire dans le délai d'un mois, à compter de la date du Décret, pour être Citoyen de Corfu, et dans le délai de quatre mois pour les autres Iles ; mais puisqu'on n'avait point encore payé les Pargiotes, et que chacun de nous se trouvait sans toit, et sans biens, et que chacun ignorait encore sur combien de capital il pourrait compter, et à quelle époque il devrait le recevoir, ce Décret devoit nécessairement se réduire à un acte nul et illusoire. En effet, les Pargiotes qui n'avoient qu'un mois de tems pour se faire inscrire comme Citoyens de Corfu, ne reçurent le paiement de leurs biens que deux mois après que le terme du Décret était irrévocablement expiré. En même tems cet acte du Sénat est motivé sur une erreur de fait, qui détruit une vérité importante aux intérêts actuels des Pargiotes, ainsi qu'à leur réputation chez la postérité. Car cet acte établit, que seulement une grande partie de Pargiotes a émigré, tandis que tout

le monde a émigré sans divisions d'opinions ni d'intérêts. Il n'est resté à Parga qu'un propriétaire nommé *Panagiotti Dessila Cecina*, qui avait d'abord envoyé sa famille à Paxo, et qui ensuite la rappella, et un matelot nommé *Gianni Corcozacchi*, qui avait émigré dans la même Ile, et qui retourna aussi à Parga avec sa famille. Ce matelot était parent de Dessila Cecina, et l'on verra par la suite que ce Dessila fut le seul que les Agens d'Ali avaient réussi à mettre dans les intérêts de leur maître.

Le peu d'égard donné par son Excellence le Lord Haut Commissaire à la Députation, et à la Pétition présentée le 18 Mai par les Primats, était par les Employés du Gouvernement motivé sur la raison que les Primats avaient faits cette réclamation sans le consentement de la Population Pargiote. Par conséquent tous les Emigrés signèrent le 3 Juin une autre Pétition, en suppliant son Excellence d'exaucer leurs Primats, et d'accorder aux Emigrés que l'indemnité de leurs biens leur fut payée. Cette seconde Pétition fut portée au Palais par 2 Prêtres et 4 pères de famille de la classe du peuple. Ils ne purent pas obtenir de voir son Excellence le Lord Haut Commissaire, et le Mémoire fut reçu par M. Hankey, qui se chargea de le mettre sous les yeux de son Excellence. Quatre heures après, le même jour, l'on fit dire aux Pargiotes que son Excellence allait répondre par une Proclamation.

Trois jours se passèrent, et la Proclamation en réponse à la Pétition du Peuple de Parga ne paroissait pas. L'argent existait dans la trésorerie de Corfu depuis 3 semaines, et l'on assurait que son Excellence le Lord Haut Commissaire était sur le point de quitter les Iles. Les 2 Prêtres, et les pères de famille de la classe du Peuple, se placèrent alors à la porte du Palais, déterminés de ne jamais partir qu'après avoir reçu de son Excellence une réponse à la Pétition qu'ils avaient 3 jours auparavant remise au Colonel Hankey. Après quelques heures d'attente son Excellence les fit admettre à sa présence, et leur assigna des raisons qu'il promit de publier dans une Proclamation.

En effet le jour suivant une Proclamation de son Excellence établit une Commission, qui devait se composer de deux gentilhommes Anglais, d'un Noble de Corfu, et d'un Envoyé d'Ali Vizir. Cette Commission, en vertu de la Proclamation de son Excellence, devait publier, pour l'information de toute personne intéressée, les Instructions qu'elle recevait de son Excellence.

Les Commettans du Soussigné, en lui envoyant une traduction Grecque des Instructions de son Excellence le Lord Haut Commissaire à la Commission, avouent que ce Document est pour leur humble intelligence plus incompréhensible que tous les autres signés par son Excellence le Lord Haut Commissaire. Les ordres précis qu'ils y comprennent, sont : que la somme de 150,000 livres sterlings, déclarée dans la Proclamation de son Excellence du 4 Mars 1819, devait être

réduite à 142,000 livres ou environ, à cause de la compensation des monnoies Turques ; son Excellence s'étant chargé du soin de payer les Pargiotes en monnoies de bon aloi. Que des £.142,000 l'on ne devait distribuer aux Emigrés que £.113,600 environ, parcequ'un cinquième, c'est à dire £.28,400, devait être provisoirement retenu jusqu'à ce que l'on eut connu les dépenses de la Commission, ainsi que les frais de transport de l'argent de Prevesa à Corfu fait dans une Frégate de Sa Majesté. Que la Commission devait montrer tous les égards pour un Envoyé d'Ali Vizir, et admettre en discussion toutes les exceptions contre le paiement des propriétés d'un grand nombre d'individus émigrés.— Enfin, qu'il fallait suspendre le paiement à tous ceux des Emigrés qui avaient des différens civils entre eux encore pendans devant les Tribunaux ; ainsi que de suspendre le paiement, (même sans que les questions eussent jamais été entièrement insinuéés dans les Tribunaux) en cas que ces questions fussent portées par des Citoyens des Etats Ioniennes contre quelques Pargiotes.

Cette Commission avait l'ordre de finir ses opérations le 11 du mois de Juillet ; mais par une Notification en date du 17, elle justifia ses propres délais, en accusant les Pargiotes de peu d'empressement à rectifier les erreurs des Registres des Experts, et des Commissaires Britannique et Ottoman. Ce reproche, non mérité des Pargiotes, est exprimé en termes généraux, et se retorque sur la Commission elle même par des faits incontestablement prouvés, moyennant 2 Documents publics. Car les délais et le désœuvrement de la Commission étaient causés par le retard de l'Envoyé d'Ali Vizir. Cet Envoyé, qui en même temps devait être Membre de la Commission, n'arriva cependant à Corfu que 3 jours seulement avant l'expiration du terme assigné dans les Instructions et Proclamations de Son Excellence le Lord Haut Commissaire. Cela résulte de la Proclamation du Général Adam faisant fonction du Lord Haut Commissaire, en date du 8 Juillet. Et par une autre Notification de la dite Commission l'on voit, que les premières prétensions d'Ali Vizir n'ont été déclarées par son Envoyé que le 10 Juillet. Cet Envoyé d'Ali arriva accompagné de *Panagiotti Dessila*, le propriétaire qui était resté à Parga, et le proscrit *Gianni Panza*.

En réponse aux accusations publiées par la Commission, les Pargiotes adressèrent un Mémoire au Général Adam, en lui représentant que les erreurs étaient venues de la ressemblance des noms de beaucoup de propriétaires ; que tous s'étaient empressés d'aller les faire rectifier, et qu'aucun individu Pargiote ne savait d'avoir aucun intérêt pécuniaire à démêler avec Ali Vizir. En même tems ils suppliaient le Général Adam de faire solliciter le paiement, parceque leurs enfans leur demandaient du pain, et que la population était presque réduite aux fureurs, et aux crimes de la famine. Ces remontrances, bien loin d'être exagérées

étaient actuellement confirmées par la misère, par le désœuvrement, par la manque d'habitations saines, par les maladies, et par la mortalité qu'avec la faim, désolaient alors la malheureuse Nation des Pargiotes, et qui furent décrites dans une Lettre signée par deux Primats en date du 26 Juillet, que le Soussigné reçut après son départ, et dont il se fait un devoir d'insérer ici une Copie exacte en Grec, et une traduction. Cette Lettre contient des particularités, et des conjectures que le Soussigné ne prend pas sur soi même de confirmer; mais qui, vraies ou fausses, servent à montrer l'état de l'esprit public des Pargiotes à l'époque antérieure au paiement.

Le Général Adam a accueilli la Pétition, et la Députation des Pargiotes, avec civilité et miséricorde, et par une notification de la Commission l'on a promis le paiement, à ceux contre lesquels l'Envoyé d'Ali Vizir n'aurait point allégué ses exceptions.

Il était évident qu'Ali Vizir, en retardant pendant plus d'un mois l'envoi de son Agent, persistait dans ses stratagèmes pour obliger les Pargiotes à retourner sous son joug, ou pour les placer dans un tel désespoir à les faire chasser des Etats Ioniens. Ses prétensions étaient très nombreuses, très différentes, et très vagues, d'autant plus que quelques unes concernaient un grand nombre de biens fonds, et d'oliviers gissant sur les limites du Territoire de Parga et de l'Albanie Turque. Ces démêlés ne pouvant le résoudre que par l'ancienne prescription du temps, et le témoignage des parties intéressées, seroient devenus inextricables, et on aurait apparemment ajouté plus de foi aux assertions de la partie plus forte, ou différé le paiement *ad infinitum*. Les prétensions plus claires d'Ali Vizir, comme il paraît par la notification déjà citée de la Commission en date du 10 Juillet, concernaient le paiement, ou la restitution qu'Ali Vizir exigeait des instrumens de notre religion, que les Prêtres et les Propriétaires des Eglises avaient emportés avec eux. Mais si nous n'avons point souffert d'abandonner les ossemens de nos ancêtres à la profanation des infidèles, aurions nous jamais consenti d'abandonner aux persécuteurs implacables de notre indépendance, et de notre sang et de notre religion, les images de nos Saints, les habillemens revérés de nos Prêtres, les ornemens canoniques des autels, les calices consacrés par le sang de notre Rédempteur? Ne suffit-il pas que 52 Eglises, dont les dotations appartenaient aux familles Pargiotes, et dont le revenu provenait de la 5^{ème} partie des biens fonds de notre territoire, aient été données pour rien à Ali Vizir, et que les Eglises, où pendant plus de 4 siècles l'on expliquait l'Evangile, où l'on brûlait de l'encens à Dieu, et où l'on bénissait et l'on enterrait les morts Chrétiens, soient maintenant remplies de blasphèmes, et servent d'écuries et de casernes aux Troupes du Vizir?

Néanmoins, le Soussigné, par la Lettre d'un de ses frères, dont il se

fait un devoir de joindre ici la traduction, a été informé que la Commission a reçu des contre-ordres, et a fini ses opérations sans suivre ses longues instructions.

L'Envoyé d'Ali Vizir protesta, en alléguant la violation d'un pacte entre Ali Vizir et son Excellence le Lord Haut Commissaire. Le Soussigné n'a aucune preuve pour confirmer, ou pour rejeter les conjectures que l'on pourrait former sur la nature, et sur l'existence réelle ou imaginaire de ce pacte conclu à Prevesa.

Selon la même Lettre du 16 Septembre, le paiement commença le 2 Août, et se termina dans le même mois. La Commission ne s'est mêlée d'aucune affaire judiciaire, et elle n'a retranché pour ses dépenses, et celles du transport de la Frégate, qu'environ 1,400 livres sterlings; c'est-à-dire l'un pour cent sur la somme totale, non d'après le montant primitif de £.150,000, mais sur la somme d'environ £.142,000, à cause de la différence des monnoies Turques et de bon aloi, avec lesquelles son Excellence le Lord Haut Commissaire s'était engagé de faire le paiement. Cependant malgré cet engagement, et cette première déduction, la Commission obligea tout propriétaire qui devait recevoir plus de £700 sterlings, à prendre en paiement un quart en monnaie Turque, et à subir un surcroît de perte exorbitant dans la change.

Telle est la série des évènements, des dates, et des Documens, que le Soussigné s'en fait un devoir d'exposer, pour constater la nécessité dans laquelle s'est trouvé le Peuple de Parga de recourir au Gouvernement de Sa Majesté.

Si par inadvertence, ou par l'obligation qu'il s'est imposée d'être court, afin de respecter le tems de votre Excellence, le Soussigné a omis quelques circonstances, il est toujours prêt à reconnaître et confirmer la vérité, de quel côté qu'elle lui sera rappelée.

Il est probable que le Ministère Britannique ait connaissance de tous les faits depuis long tems, et il est facile à l'autorité du Gouvernement de Sa Majesté d'approfondir les causes véritables que les ont produits; et si d'après cet exposé le Gouvernement de Sa Majesté juge que les Pargiotes n'ont été indemnisés qu'en petite partie, le Soussigné et ses Commettans espèrent que la justice et la générosité de Son Altesse Royale le Prince Régent ordonnera que cette indemnité leur soit accordée, conformément à leurs droits, et aux engagements que son Excellence le Lord Haut Commissaire a pris envers eux, dans la Convention de Joannina, et dans les premières Proclamations que son Excellence a publiées, en sa qualité d'exécuteur de la volonté du Gouvernement de Sa Majesté.

Le Soussigné et ses Commettans implorent en même tems d'accorder au Peuple de Parga un établissement dans les Iles Ioniennes, qu'ils appelleraient *Nouvelle Parga*, et où ils pourraient reconstruire leurs églises, rassembler leurs familles, disposés à maintenir leur

Population, sous les loix et la protection que la clémence de Son Altesse Royale daignera leur accorder.

GREGORIO MAUROGIANNI, *Député.*

S. E. Le Comte Bathurst.

(A.)—*Extrait de la Convention entre la Russie et la Porte Ottomane, conclue à Constantinople, le 21 Mars, 1800.*

ART. VIII. Les Lieux de Prevesa, Parga, Vonitza, et Butrinto, situés en terre ferme, et détachés de Venise, étant contigus à l'Albanie, seront, ainsi que leurs dépendances et atténuances, annexés aux Etats de la Sublime Porte, et lui appartiendront désormais. Mais tous les habitans de ces Contrées étant sans exception de la Religion Chrétienne, les privilèges relatifs au culte religieux et à l'administration de la justice, qui ont lieu dans les Principautés de Moldavie et de Valachie, dont les habitans sont pareillement tous de la Religion Chrétienne, auront aussi exactement lieu à l'égard des habitans des susdites Contrées. En conséquence les coutumes du Pays, relativement aux Procédures Civiles et Criminelles, la nature des possessions et l'ordre des successions, ne seront point changées. Il continuera d'être défendu aux Mahométans d'y acquérir des propriétés et de s'y domicilier, ainsi qu'il est observé dans les susdites Principautés de Moldavie et de Valachie. Mais comme ces Contrées appartiennent en toute propriété à l'Empire Ottoman, il sera permis d'y établir un Officier Commandant, qui devra être absolument Mahométan, et attendu qu'un grand nombre des Sujets de la République des Sept Iles unies ont des possessions dans les dites Contrées, la Sublime Porte promet de déterminer dès-à-présent, le rang de cet Officier, la nature et les droits de ses fonctions, ainsi que le lieu de sa résidence, le tout au gré du Gouvernement de la susdite République.

(B.)—*Declaration of the British Commandant of Parga.*

25th March, 1817.

ON the 25th of March, 1817, the Commandant of Parga called together the Primates, in order to communicate to them, in the name of his Excellency Sir Thomas Maitland, a Declaration respecting the intentions of the British Government, relative to their future destination. He stated,—

1. That it appeared, that, in consequence of a Treaty concluded at Paris on the 5th November, 1815*, between the King of England and the other great Sovereigns, His Majesty had agreed to cede the Town and Territory of Parga to the Ottoman Porte.

2. That previous to that Cession, all the Inhabitants of the said Town and Country of Parga, who should not wish to remain after it had taken place, should receive a full compensation for their houses

* See Commercial Treaties. Vol. 2. Page 45.

and other property, which they might be obliged to leave behind; and that they should be conveyed gratuitously to the Ionian Islands.

3. That, until those conditions should be fulfilled, the Place should on no account be ceded.

4. That the Inhabitants of Parga might fully rely on the justice and liberality of Great Britain, who took the deepest interest in their welfare; but that if, while that Government was making any exertion to obtain for them the most advantageous conditions, they should dare to commit any disturbance, or violence of any kind, or to take the affair into their own hands, they should be left to themselves, and from that moment the British Government would consider itself totally exonerated from any further obligation to support and protect them.

5. The Commandant added, that he was authorized to say, that this being the substance of the declaration, any particular points requiring to be explained, were to be interpreted in their favour, and in no case whatever against them.

(C.)—*Convention between the British and Turkish Commissaries.*

Joannina, 17th May, 1817.

THE Cession of the Place of Parga to the Sublime Porte having been stipulated between the Court of London and the Imperial Court of Constantinople, by the mediation of his Excellency the Minister of England at Constantinople, the Undersigned, named Commissaries to arrange definitively the Indemnities to be made to those of its Inhabitants who shall have the intention to expatriate themselves, for the property that they must abandon, as also for the expense of their passage to the Ionian Islands; to wit, John Cartwright, Esq. British Consul in the Morea, on the part of the British Government, and the ci-devant Silihdar Kiatily Hamed Bey, on the part of the Sublime Porte, have agreed to the following Articles:

ART. I. The terms of the Cession of the place of Parga and of its Territory, shall depend on the realization of the Indemnities above-mentioned, due to those Inhabitants who shall expatriate themselves; and the 2 Commissaries engage themselves to give to the accomplishment of this object all their attention, and to occupy themselves on the subject with zeal and activity.

II. To this effect, after the signature of the present Convention by the 2 Commissaries, they shall transport themselves without delay to Parga, to make a List of those Inhabitants who shall have determined to quit their Country, and fix in an equitable manner, the value of the property they shall abandon, as also the expenses of their voyage to the Ionian Islands.

III. For the purpose of making out this valuation in a prompt and equitable manner, the Undersigned shall take the assistance of some

Persons accustomed to those matters, whether from the Islands, or from the Continent.

IV. When the value of the property of the Inhabitants who shall expatriate themselves, shall have been agreed upon and established by the 2 Commissaries, as also the expenses of their passage to the Ionian Islands; the Undersigned shall agree upon, and fix the time when the whole sum shall be paid to the British Commissary named for this purpose, and after that the said payment shall have been made, and the departure of the Inhabitants effected, the English Troops shall retire, and the Place, and the Territory of Parga, shall be delivered to the Commissary of the Sublime Porte.

Joannina, 17th May, 1817.

HAMED BEY.

JOHN CARTWRIGHT.

(D.)—*Proclamation of the British Commandant.*

(Translation.)

Parga, 28th May, 1817.

ON the part of the Honourable Patrick Stuart, Colonel Commandant of His Majesty's Forces in the Ionian Islands, and exercising the Office of Lord High Commissioner, during the absence of his Excellency the Lord High Commissioner in the United States of the Ionian Islands, &c. &c. &c.

It having been agreed between the Courts of London and Constantinople that Parga and its Territory should, under certain conditions, be ceded to the Sublime Porte, the Inhabitants of such places are, by means of the present Proclamation, informed that Commissioners have been appointed by the said 2 Courts for carrying the said Cession into execution, and more especially for arranging the appraisement and payment of the property of all such Pargiotes as may not be disposed to continue to reside in their own Country, after the Cession thereof to the Ottoman Government.

To effectuate such appraisement and payment, the said Commissioners are to repair to Parga, and there arrange the same in such an expeditious manner as circumstances may admit.

The British Government having pledged itself to protect all such Inhabitants of Parga as may adopt the determination of emigrating from their Country, and to procure them an equitable and just compensation for the property they may leave in their own Country, the most perfect subordination and obedience to the existing Government is expected from all of them during the period of the arrangement in question.

And C. De Bosset, Lieutenant Colonel Commandant at Parga, will repress in the most summary manner, according to his positive Instructions, every attempt tending to disturb the public tranquillity.

Parga, the 28th of May, 1817.

By order of the Honourable Colonel Commandant.

C. DE BOSSET.

(E.)—*Proclamation of the British Commissioner.*—(Translation.)
INHABITANTS OF PARGA, *Parga, 30th June, 1817.*

THE cession of Parga to the Sublime Porte, has already been announced to you through the medium of the Proclamation issued on the 28th of last month. I am arrived here with his Excellency the Turkish Commissioner, for the purpose of carrying into execution the Convention for the said cession, which regards you.

All such of you as are not disposed to remain under the Turkish Dominion, and are desirous of leaving their Country, are at perfect liberty so to do; it being intirely left to your own option either to remain in your Country or depart, inasmuch as the British Government does not in anywise interfere with your decision herein, either one way or the other.

All those who may leave their Country, will receive an adequate compensation for such property as they may leave behind them, agreeably to an appraisement previously made thereof; and they will be moreover paid the expenses attending their conveyance to the Ionian Islands.

Until the Convention regarding those who may be disposed to leave their Country shall be determined on, the Fortress and Territory of Parga shall be, as it now is, under the protection of Great Britain.

On Thursday next, a register will be opened for the purpose of taking down the names of those who may be desirous of leaving their Country.

JOHN CARTWRIGHT.

Commissioner of His Britannic Majesty for the Affairs of Parga.

(F.)—*Proclamation of the Turkish Commissioner.*
(Translation.) *Parga, 14th June, 1817.*

The most glorious Hamed Bey, Commissioner of the High Ottoman Porte, to the Subjects, Inhabitants of Parga.

THE absolute cession of the Fortress of Parga and of its Territory to the Ottoman Porte, has been amicably but irrevocably decided on between the British and the Ottoman Governments.

The Ottoman Government has authorized me to receive the said Territory, and also to arrange the sale of the property of such of the Inhabitants as wish to separate themselves for ever from their Country, and to retire into the neighbouring Ionian Islands; and to arrange all this, is also arrived here the noble Mr. Cartwright, as Commissary on the part of the British Government.

The love of one's Country, and an attachment to it, is common to all classes of men, and is particularly felt by all noble minded persons. I pledge myself that all the Pargiotes who feel this divine sentiment, and who wish therefore to remain in their Country, shall have perfect liberty in every thing relative to their religion; and that they shall be perfectly secured in all things relative to their properties and safety, the Constitution under which they live, their honour and reputation.

All those who resolve to stay, may freely declare themselves, and without suspicion of any thing to the contrary, because both the Porte and the British Government are agreed not to interfere with the wish which any one may form on the occasion; and all this is publicly notified for the general information of the Inhabitants of Parga.

(G.)—*Proclamation of the Lord High Commissioner.*

(Translation.)

Corfu, 30th March, 1818.

On the part of his Excellency the Right Honourable Sir T. Maitland,
&c. &c. &c.

WHEREAS it hath been definitively stipulated between the 2 Courts of London and Constantinople, that the Garrison of Parga and its Territory should be ceded to the Sublime Porte, under the conditions and in such manner and form as was announced to the inhabitants thereof, by the Proclamation issued by the British Authorities at Parga, in the month of May 1817.

And whereas in conformity to the Convention signed for that purpose at Joannina by the 2 respective Commissioners, such Convention was to have been carried into execution without any the least delay, and terminated in the most just and equitable manner.

And whereas difficulties have unexpectedly arisen, and certain complaints have been made on this subject on the part of his Excellency the Turkish Commissioner, by reason of which the execution of this unalterable disposition hath been unfortunately delayed to the present period.

Wherefore, his Excellency the Lord High Commissioner of His Britannic Majesty, animated by the most ardent desire of putting an end to this business in a manner conformable to the intentions of the 2 Governments, declares, by means of the present Proclamation, that as the Garrison of Parga and its Territories is to be irrevocably ceded to the Sublime Porte, all such Inhabitants as entertain the intention of emigrating, are to make a declaration to that effect in the presence of the 2 Commissioners, within the term of 15 days, computing from the promulgation of these presents, preparatory to their respective properties being justly and equitably valued by the 2 Commissioners, with the assistance of Appraisers, to be mutually chosen by the respective Parties, and conformably to a reciprocal agreement; provided always nevertheless, and it is hereby understood, that every appraisement hitherto made without the intervention of the necessary Authorities, shall be held and considered as absolutely null and void, so far as regards the Articles of the said Convention; and that lastly, the sum arising therefrom shall afterwards be liquidated and ascertained, and a remittance made, within a convenient period to be fixed by the 2 respective Commissioners, to another British Commissioner appointed for that purpose, agreeably to the 4th Article of the said Convention, in order to its being divided between the Emigrants at the time of their emigration, according to the value of their property.

It is moreover hereby declared, that all such Inhabitants of Parga as may adopt the determination of remaining in their Parent Country, shall be at liberty to make known such their determination at whatever moment they may think fit for that purpose; more especially as the British Government feels no sort of interest either in promoting or restraining such emigration, and will grant them the fullest protection up to the moment of the Cession to the Sublime Porte, in the same manner as it will extend such protection to those who may adopt the determination of emigrating.

Corfu, 30th March, 1818.

By Command of his Excellency,

FRED. HANKEY, *Private Secretary.*

(H.)—*Proclamation of the British Commandant.*

(Translation.)

Parga, 6th April, 1818.

His Honour Lieutenant Colonel James Maitland, British Commissioner for the Affairs of Parga, Commandant and Chief of the Government thereof.

PURSUANT to the Proclamation of his Excellency the Lord High Commissioner, dated at Corfu, the 30th of March, 1818, published in this Place on the 2nd of April instant; it is hereby made known.

That his Honour, in conjunction with his Excellency Hamed Bey, the Turkish Commissioner, will, from Tuesday next, the 7th of the said month of April, to the 12th of the said month, both inclusive, be ready to receive the declarations of such of the Inhabitants of Parga as may entertain the intention of emigrating, as likewise of those who may desire to remain in their Parent Country.

These declarations will be received as above, between the hours of 11 o'clock in the forenoon, and 2 o'clock in the afternoon, at the Quarters of the British Commissioner.

The present Proclamation shall be translated into the Greek language, and promulgated and posted up in the usual places, for the information of the Public.

Parga, 6th of April, 1818.

(I.) *Notification of the British Commandant.*

Parga, 20th May, 1818.

On the part of his Honour Lieutenant-Colonel James Maitland, Commandant and Chief of the Government of Parga, &c.

THE Appraisers of the Sublime Porte and those of Great Britain, having met pursuant to the Treaty of Joannina, the Inhabitants are, by means of these presents, informed that they are to be on their different Estates, at such time as it may be convenient to the respective Appraisers to appoint for that purpose, of which the Chief of the Police will be directed to give them due notice, and at which moment the said

Proprietors must be provided with an inventory of the whole of their immoveable property, for the purpose of more effectually facilitating the labours of the respective Surveyors and Appraisers; one of the Chiefs of the Families will accompany each of the Parties in order to answer any question that may be put to them on the subject.

The Appraisers on the part of the British Government, in proceeding to the operation in question, are to keep under perfectly distinct and separate heads the appraisement of the property of every Individual, who may have adopted the determination of emigrating, and likewise those of the churches and lands appertaining thereto, as also of the public buildings, and other property belonging to the Government and Community at large.

The present Proclamation shall be translated into the Greek language, and promulgated and posted up in the usual places, for the information of the Public.

Parga, 20th May, 1818.

By order of the Lieutenant Colonel Commandant.

SPIRIDION ULANDI, Chief Officer of the Police.

(J.)—*Notification of the British Commandant.*

(Translation.)

Parga, 21st May, 1818.

On the part of His Honour, Lieutenant Colonel James Maitland, Commandant and Chief of the Government of Parga, &c.

WHEREAS various difficulties have arisen as to the construction of part of the Notification published yesterday, relating to the appraisement of the churches and immoveable property appertaining thereto, as also respecting the public buildings, and other property belonging to the Government and the Community at large;—Now the Inhabitants are hereby informed, that the valuation and appraisement of these different species of property, are suspended until the receipt of specific Instructions on this subject.

The present Notification shall be translated into the Greek language, and promulgated and posted for the information of the Public.

Parga, 21st May, 1818.

By order of the Lieutenant Colonel Commandant,

SPIRIDION ULANDI, Chief Officer of the Police.

(K.)—*Proclamation of the British Commandant.*

(Translation.)

Parga, 4th March, 1819.

On the part of His Excellency Sir Thomas Maitland, &c. &c. &c.

SINCE the period at which, thanks to the united efforts of the High Allied Powers, the peace and tranquillity of Europe have been happily re-established, it was ever the firm and invariable determination of the British Government to cede to the Sublime Porte the Garrison of Parga and its Territories.

An agreement was, for that purpose, entered into at Constantinople, the execution of which hath hitherto been retarded by various obstacles, the major part of which are now removed.

These obstacles arose not only from the causes which ever accompany a cession of this description, but also for various other circumstances relative to the peculiar situation of the Garrison itself.

It was impossible for the Government of His Britannic Majesty to effectuate the Cession of Parga, without bestowing the necessary attention to the interests of its Inhabitants, and more especially without combining a just and reasonable indemnification for such of them as should adopt the determination of abandoning the Country, a measure not only of complete justice, but also of the most imperious necessity.

To fix the amount of such indemnification was, however, a matter of extreme difficulty, and which demanded a considerable time.

It was difficult on the one hand to establish some principle on which the appraisements might be founded; and, on the other hand, it was necessary to provide some guarantee against the perfectly natural desire of the Pargiotes to give a superior value to the property which they proposed to abandon.

It was not possible to admit as a principle whereon an appraisement might be founded, that the property in the Town of Parga should be considered the same as the property situate in the United States of the Ionian Islands; and, after the most mature deliberation, it was not possible to fix any sort of estimate by means which would have united all the considerations, the different points, and the peculiar circumstances, attached to all these operations.

Wherefore, after having maturely and deliberately weighed all these considerations, together with every point relative to this operation, his Excellency the Lord High Commissioner was induced to declare the amount of such mean estimate, and to signify to the Pargiotes, that it was proposed to them for the first time, and that a precise knowledge was given to them of the exact sum they were to receive on their emigration, for the property by them abandoned. That consequently a new opportunity was offered them of definitively terminating such operation; observing, moreover, that the British Government had no sort of interest in the result of such determination, whether it proved favourable to emigration or otherwise.

This indemnification cannot, in any case, or on any account, be increased, and the maximum of the sum is fixed at 150,000*l.* sterling, or 666,666 dollars; and it is material to observe, that this sum alone will be distributed, in case all the persons should emigrate, at least those whose names are inserted in the Return of appraisements made by the Surveyors of Corfu; and a proportionate diminution will be made in this sum, should any of the persons inscribed on the Lists for departure adopt the determination of remaining, or in case of any Claim arising

relative to such valuations and appraisements as may be doubtful or ill-founded.

The Pargiotes shall, within 10 days after the promulgation of the present Proclamation, manifest their definitive decision to the Chief of the Government in whose hands are deposited the Register of the appraisement made for the Surveyors of Corfu.

All persons desirous of emigrating are to take notice, that the British Government will not be subjected to any extraordinary expense for that object, and that they will receive the exact sum which will be inscribed in the definitive Register, now about to be opened, of the Claims of all such persons as may adhere to their intention of abandoning Parga, at the period of its Cession to the Sublime Ottoman Porte.

By order of his Excellency,

FRED. HANKEY, *Private Secretary.*

Given in the Palace of Parga, this 4th day of March 1819.

RICHARD GUBBIN, *Lieutenant Colonel Commandant.*

(L.)—*Proclamation of the Lord High Commissioner.*

(Translation.)

Corfu, 4th April, 1819.

On the part of His Excellency Sir Thomas Maitland, &c. &c. &c.

THE period at which the delivery of Parga is to take place being rapidly approaching, certain definitive measures already agreed upon are to be executed, in order that the British Government may put the Ottoman Government in possession, at the moment when the Conventions antecedently established shall be carried into execution.

Amongst other measures, the British Government has resolved to permit a small portion of the Army of His Highness Ali Pasha to enter the Territories of Parga, and the Commandant has already received the necessary orders for admitting these Troops the moment the requisite dispositions for such operation shall be completed.

His Excellency, in adopting these measures, feels it incumbent upon him to give the Pargiotes the strongest assurance, that a firm and vigilant protection will be afforded to them by the British Government, so long as they shall continue to render themselves worthy thereof; and that the entry of the Ottoman Troops ought not to furnish them with any ground for accelerating the abandonment of their Country before they are in a condition so to do.

Should any persons be desirous of quitting Parga prior to the entry of the said Ottoman Troops into their Territory, the Commandant will furnish them with the means of so doing; but such intention must be manifested by them in person, immediately after the promulgation of the present Proclamation, in order that he may be enabled to procure them the necessary Ships for their embarkation.

His Excellency deems it incumbent upon him again to declare, that his wish is that the Pargiotes should not quit their houses before the Convention for the delivery be executed in all its parts.

Given in the Palace of Corfu, this 4th day of April, 1819.

By order of his Excellency,

FRED. HANKEY, *Private Secretary.*

[Promulgated and posted up at Parga the 9th April, 1819.]

(M.)—*Act of Parliament of the Ionian Islands.*

(Translation.)

Corfu, 22d May, 1819.

Act of Parliament, declaratory of the state and condition of the Inhabitants of Parga and its Territory, consequent upon the Cession of that Place to the Ottoman Porte.

Preamble.—WHEREAS the Inhabitants of the City, Fort, and Territory, of Parga, have ever been considered as Citizens of the Ionian States, and, inasmuch as notwithstanding the City, Fort, and District, of Parga, were not comprehended in the Treaty entered into between the High Allied Powers of Europe on the 5th day of November, 1815, the said Inhabitants do not conceive themselves to have lost their right of Citizenship in these States; and the major part of the Inhabitants and Subjects of the Territory of Parga, appearing to have emigrated at the moment the Cession thereof took place to the Porte; for the more effectually obviating and avoiding all doubts and difficulties that might arise on this subject, it is by the authority of His Highness the President and the Most Noble the Senate, and by and with the advice and consent of the Honourable Legislative Assembly of the United States of the Ionian Islands, assembled in this second Session of the first Parliament, and with the approbation of His Excellency the Lord High Commissioner of the Sovereign Protector, declared as follows; viz.

ART. I. The said Cession shall not in any wise prejudice or impeach the right of Citizenship of such of the Inhabitants of Parga as may have emigrated, but which right shall be subject to the following restrictions and regulations:

II. Every emigrant Inhabitant of the said Territory of Parga is hereby authorized and empowered to select, at his own free-will and pleasure, any Island of these States in which he may be desirous of exercising his right of Citizenship; but he shall be bound to present himself, within the period of 1 month, in the Island of Corfu, and within the period of 4 months in the other Islands of the United States of the Ionian Islands, before the Governor of the respective Island, and insert his name in a book to be kept for that purpose; and he shall at the same time produce a legal Certificate, ascertaining his birth in the said Territory of Parga; after which, such Individual shall in every point of view be considered as a Citizen of the Island where he shall have made his declaration, and enjoy all the privileges appertaining to other Citizens and Natives of these States.

Corfu, the 22d of May, 1819.

(N.)—*Proclamation of the Lord High Commissioner.*

(Translation.)

Corfu, 7th June, 1819.

On the part of his Excellency the Right Honourable Sir Thomas Maitland, Knight, Grand-Cross of the Most Honourable Military Order of the Bath, a Member of the Most Honourable the Privy Council of His Britannic Majesty, Lieutenant General and Commander in Chief of His Majesty's Forces in the Mediterranean, Governor of Malta and its Dependencies, Lord High Commissioner of His Majesty in the United States of the Ionian Islands, and Grand Master of the Most Illustrious Order of Saint Michael and Saint George.

His Excellency the Lord High Commissioner has been pleased to constitute and appoint the Most Illustrious Signors, Robert Forrest, Esq. Count Antonio Lando, and Edward S. Baynes, Esq. Commissioners for regulating and adjusting the definitive distribution of the sum of 633,000 dollars received from His Highness the Vizir Ali Pasha, and now remaining in the general Treasury, as and by way of an indemnification due to the Inhabitants of the City and District of Parga for their property, which was separately valued and appraised prior to their emigration and arrival in these States.

His Excellency is further pleased to order that Spiridion Ulandi do act in the character of Secretary to the said Commission, whereof Robert Forrest, Esq. is hereby declared President.

The said Commission shall meet on the 11th instant, at the house of the President thereof, where it will receive all the necessary instructions for the regulation of its proceedings, and which instructions they will be directed previously to make known to the Public for the information of all Persons interested in the matters in question.

And it is hereby lastly declared, in case of His Highness the Vizir Ali Pasha making any Claims on his part, or on behalf of any of his Subjects, that the Commission aforesaid shall, prior to proceeding to any decision upon such Claims, admit as an additional Member thereof, such Person as His Highness may be pleased to appoint for that purpose.

Given in the Palace of Corfu, this 7th day of June, 1819.

By command of his Excellency,

FRED. HANKEY,

Secretary to the Lord High Commissioner.

(O.)—*Instructions for the Commissioners appointed for the definitive distribution of the sum of 633,000 dollars, received for the payment of a compensation for the property of the Pargiotes.*

(Translation.)

Corfu, 9th June, 1819.

THE business with which the Commissioners will have to occupy themselves, is a just and equitable distribution of the sum which I have received from the Vizir Ali Pasha, of which payment is to be made

to such of the Pargiotes as preferred abandoning their property, at the time of the Cession of the City and Territory of Parga to the Agent of the Ottoman Porte.

I will not now trouble the Commission with an enumeration of the difficulties that occurred prior to the definitive payment, neither do I conceive it necessary that the Commission should be charged with any further Instructions than those contained in the 2 inclosed Documents, viz. the Notification published on the 2nd of February, 1819, whereby the payment in question was precisely fixed at the sum of 666,666 dollars, and a Return of the valuation or appraisement of the various property of the Pargiotes, amounting to the sum that was prescribed to them for payment, and for which sum the Notification was moreover made.

The Commission, therefore, cannot fail speedily to observe that the aggregate sum to be distributed amounts to 633,000 dollars only, which diminution is to be ascribed to the circumstance of its having been agreed upon between me and the Vizir, that the stipulated sum should be paid in specie dollars instead of Turkish or other money by him offered to me, but which I refused to receive; which Stipulation will, I have no doubt, redound greatly to the advantage of the Pargiotes, because, however important the diminution may appear, it would have been considerably greater had the payment been made in any other species of coin than that in which it is effected, viz. specie dollars.

In the first place, therefore, it will be necessary for the Commission to bear in mind that the amount of the sum to be paid, or of the Return of the valuation or appraisement of the property, is 633,000 dollars, which are lodged in the Treasury, and not 666,666, as stated in the Notification. This diminution, as by me already demonstrated, was a regulation highly advantageous to the Pargiotes, and no time shall be lost on my part in giving orders to the Treasury to retain and hold such sum at the disposal of the Commission, to whom alone it will be competent to give the necessary directions for the payment in question.

It appears to me, that the various cases which will probably come before you, may be regulated and adjusted by the following 3 Articles; at all events, your decision will be final, without appeal, and as prompt as possible.

The first of these Articles embraces all such cases as relate to the property specified in the Returns of the definitive appraisement wherein any differences or disputes have arisen, and are now pending between the said Pargiotes, or between the Natives of Parga and the Subjects of those States.

The Commission will doubtless be aware that as long as these Suits were pending, and the immoveable property existed, it would have been equally imprudent and irregular to constrain any one by a peremptory execution; it was highly fit and expedient therefore to

leave all those questions to the judgment of the respective Courts of Justice. But the circumstances being now entirely altered, the amount of the said immoveable property was transferred as monies separately liquidated in the Return of appraisement, and it would be impossible to pay the Emigrants the money without its being previously adjudged to what person it is due, and in whose name it now stands in the Return of appraisement, inasmuch as Claims might possibly be interposed on behalf of other Parties entitled to the said sum, and to whom the same might actually and *bonâ fide* belong.

It will be incumbent upon you in this case, therefore, to decide in whom the right of property legally resides, or rather, to whom the sum of money ought to be definitively awarded in all such cases, as similar questions may have been practically mooted and discussed in the Courts, inasmuch as I deemed it expedient to close the Public Tribunals, and proclaim Martial Law a short time before the evacuation of Parga, by the Proclamation issued in the month of March last.

But you are not bound to admit or take cognizance of any new Suit that may now be instituted; on the contrary, it ought to be contended by you, that the litigating Parties should demonstrate the previous existence of a certain methodical practice in the Courts of Justice at Parga, prior to proceeding to the examination of every Claim, inasmuch as it might happen, that the new Suits had another object than that of withholding from the Individuals the payment of the sum standing in their name in the general Return of appraisement.

When I ordered the Proclamation and execution of Martial Law, and that the Public Tribunals should be closed, I at that time directed that all the Copies and Documents of the various proceedings should be carefully preserved and sealed, preparatory to their transmission to Corfu; and I moreover ordered that such measure should be extended to all Papers and Documents deposited in the Registers or Protocols of Notaries Public. These Papers will be forwarded to the Commission, in respect of which, Mr. Baynes, one of the Members of your Commission, and Signor Ulandi, the Secretary thereof, will be enabled to furnish you with every necessary information.

For your more effectual guidance and regulation, should you conceive that each particular circumstance does not embrace every one of the Inhabitants of Parga, even though the rights in question should not have been previously submitted to the decision of the Courts of Parga; I deem it incumbent upon me to observe to you, that Claims may be interposed on the part of Individuals of those States, which you are hereby authorized to admit, provided such Claims should not have already been exhibited in the late Tribunals of Parga.

But the greatest circumspection ought to be observed in the admission of these Claims, and the most minute inquiries should be instituted,

as to whether they be founded in complete justice ; and, should you entertain any doubt with regard thereto, I hereby order you not to admit any ulterior Claim, and likewise not to admit any Claim for a debt that was not expressly and absolutely due to a Subject of these States prior to the evacuation of Parga.

The second circumstance is, that Claims may be preferred involving an adjudication of the differences and disputes in question, wherein the Appraisers may have substituted the name of one person for another, and that may have happened from the circumstance of many of the Inhabitants of Parga bearing one and the same name ; and although I do not apprehend that many of those circumstances do exist, you will of course proceed to a definitive settlement of the business in question, prior to such liquidation taking place.

The third class of Claims is of a nature and description perfectly distinguishable from the others, and will arise from appeals, which His Highness the Vizir Ali Pasha may be enabled to interpose and substantiate, as well against the valuation and appraisement in question, as against certain Pargiotes, admitted in the List of such appraisement ; with regard to which, I have been informed that the Claim of His Highness on this head, will be founded on the following bases :

1. I understand His Highness will endeavour to establish, and is moreover impressed with a conviction that he can prove, that the Appraisers included in the Return of appraisements, certain property which does not belong to Parga, but to Aja ; and if His Highness can substantiate such Claim, the ascertained value and appraisement of all property of this description, must, of course, on every principle of justice, be restored to the Vizir.

2. I understand His Highness complains, that the Churches were stripped of the public ornaments, by certain of the Emigrants who had no sort of right thereto ; in all such cases, where due proof can be adduced of this fact, they will of course be liable to restitution.

3. It is possible, moreover, that other Claims may be interposed on the part of His Highness, (although I do not apprehend they are very numerous) against some of the Pargiotes, in which case they will be submitted to your consideration and judgment.

It is His Highness's intention to depute some confidential person in his name, for the purpose of interposing all such Claims as he may deem it expedient to exhibit. This person is not yet arrived ; after his arrival, and the notification of his name to you, you will be pleased to appoint him a Member of your Commission, and when he sits with you on the hearing of any Claim on the part of the Vizir, it is unnecessary for me to recommend that you should honour him with every mark of respect and attention.

Such are, as it appears to me, the principal duties which will be imposed upon the Commission. As the whole of the monies are in

your hands, it may not be unnecessary for me to state to you what my intentions are with regard to the mode of distribution: you are to open your Commission, pursuant to the Order dispatched to you on the 11th and 12th of the present month, but are not to proceed to a distribution of the monies until after the expiration of another month, in order to afford sufficient time to all parties interested in the business for exhibiting their Claims, and instructing their Counsel.

You will, however, admit an Advocate on each side to your presence.

It has been represented to me, that some of the Pargiote Emigrants are reduced to a state of the greatest distress, for want of the necessities of life; under these circumstances, where the name of the person appears in the appraisement, you will be at liberty to grant a moderate provision for their maintenance, until the final decision of their Claims, limiting such provision, even in cases of the largest Claims, to a dollar per day, and diminishing the same in proportion to the valuation of the property expressed in the appraisement; you will of course grant no assistance, on any account, to any person whose name does not appear in the Return or List of appraisements; such Individuals must be considered as forming part of the class of country labourers of that Commune, and if they have hitherto maintained themselves with the assistance of this Government, it is impossible that such measure can be continued much longer, tending, as it would, to the encouragement of idleness and insubordination, instead of industry and obedience. With regard to all Claims on the part of persons of this description, you must give a firm and decisive negative to them, by admonishing the parties to exert themselves to get their living by their own industry, as they can expect nothing more from Government.

After the expiration of 2 months, computing from the period of the evacuation, viz. after the 11th of July, you will consent to payment being made to all such Pargiotes against whom no complaint shall have been lodged, as above expressed, taking the name of each Individual from the general Table or Index of appraisement, and making a deduction in the relative proportion between 633,000, and 666,666 dollars; a further diminution must likewise be made from the aggregate sum to be distributed, viz. for the regular freight of the monies transported to this Island, which was paid to Captain Spencer of the *Ganymede*, and for the expenses of the Commission, which will be afterwards fixed.

I would advise you therefore to confine the distribution which shall be proceeded upon on the 11th of July, to four-fifths of the sum that is due to each Individual, at the same time informing them that the remaining fifth will be paid to them the moment the exact amount of the expenses shall be ascertained.

When you shall have thus determined and decided upon the Claims

of all those against which there exists no legal impediment, you are to inform the other Claimants that they will be paid the sums due to them in like manner pursuant to your Decree, the moment their Causes shall be decided; and you will continue to proceed in this manner until the whole of the business of the Commission is completed, when it will be proper for you to transmit a Copy of your proceedings to Frederick Hankey, Esq. my Private Secretary.

It does not appear to be necessary for me to add any further Instructions for your regulation and government, as I shall at all times be ready to listen to any representation you may think fit to forward to me for more effectually facilitating the discharge of the important duties hereby imposed upon you.

Lastly, it is extremely important that all your operations should be made known and published. The distribution of the money is a matter in which the British Government has no other object than that it should be executed in a manner most conformable to the principle of justice, as it feels that lively interest therein which it has uniformly manifested throughout the whole of the business, as may evidently be seen by the constant and indefatigable efforts and exertions used and employed by it, for obtaining payment of the indemnification in question, which, under the existing circumstances, cannot but be considered as a perfectly just and equitable compensation, and in every respect commensurate to the property by them abandoned.

I have the honor, &c.

Corfu, 9th June, 1819.

T. MAITLAND.

(P.)—*Notification of the Commissioners of Liquidation.*

Corfu, 17th July, 1819.

On the part of the Commissioners appointed for regulating and adjusting the final distribution of the Indemnification or Compensation belonging to the Pargiote Emigrants.

It was the firm intention of His Excellency the Lord High Commissioner of His Britannic Majesty in these States, and of the Commissioners appointed by his authority, to proceed on the 12th of July, instant, to a distribution of the money constituting the Indemnification, pursuant to the Proclamation issued for that purpose.

The errors that have crept into the general Return of appraisements of the Parga property, by the fault of some of the Inhabitants thereof, and the delay and obstacles that have been studiously interposed by them against the correction and rectification of such errors, amounting rather to a counteraction of the paternal intentions of Government than to a co-operation with promptitude and candour before the Commissioners of Appraisalment, in acquiring possession of the property belonging to them, combined with the delay consequently occasioned by

such conduct on their part, in the completion of the general Return, and rectification of the errors aforesaid, without a previous acquaintance with which the Agent of His Highness the Vizir Ali Pasha, the Most Illustrious Beiza de Hangary, declares he cannot produce to this Commission a statement of his relative Claims. These are the causes that have unavoidably compelled this Commission to defer the distribution of the money appertaining to the indemnification in question.

The Commission deem it incumbent upon them to publish the same for the information as well of the emigrant Pargiotes as of the Public in general.

But they at the same time feel great satisfaction in being enabled publicly to declare, that such obstacles are on the point of being removed, inasmuch as they have been assured by the Commissioners of Appraisement that the corrected general Return of valuation is nearly completed, by means of which the Commissioners will not only be enabled immediately to receive from the Most Illustrious Beiza de Hangary a detailed Statement of the Claims intended to be interposed by His Serene Highness, but they will proceed forthwith to the payment in question, commencing with those who shall not have been affected by such Claims, or by Acts, Memorials, and Judgments, now in the Archives of the Commission.

Issued by the Commission at Corfu, this 17th day of July, 1819.

ROBERT FORREST, *President.*

A. C. LANDO, *Commissioner.*

E. S. BAYNES, *Commissioner.*

By Order of the Commissioners,

SPIRIDION ULANDI, *Secretary.*

(Q.)—*Proclamation of the Lord High Commissioner.*

Corfu, 8th July, 1819.

ON the part of his Excellency Major General Sir Frederick Adam, Knight, Commander of the Most Honourable Military Order of the Bath, of the Imperial Austrian Military Order of Maria Theresa, Knight of the Imperial Russian Order of St. Ann of the First Class, Commander of His Majesty's Troops in the United States of the Ionian Islands, and exercising the Office of Lord High Commissioner of His Majesty during the absence of His Excellency Sir Thomas Maitland, &c. &c. &c.

Whereas by the Proclamation issued on the 7th of last month, whereby a Commission was appointed for proceeding to an equitable distribution of the compensation or indemnification due to the emigrant Pargiotes, it was declared that such person as might be appointed by His Highness for that purpose should be considered as a Member of the said Commission, prior to their proceeding to any decision with regard to the Claim that might be interposed on the part of His Highness; Now

it is hereby made known, that the Beiza de Hangary, now arrived here, is charged by His Highness with the object aforesaid, and is hereafter to be considered as a Member of the said Commission, at all meetings involving a decision of the Claims exhibited on the part of His Highness the Vizir Ali Pasha.

Given in the Palace of Corfu, this 8th day of July, 1819.

By command of His Excellency,

FRED. HANKEY,

Secretary to the Lord High Commissioner.

(R.)—*Notification of the Commissioners of Liquidation.*

(Translation.)

Corfu, 10th July, 1819.

ON the part of the Commission appointed for regulating and adjusting the final distribution of the compensation and indemnification appertaining to the emigrant Pargiotes.

It being indispensably necessary to the discharge of the duties imposed on this Commission, that they should be furnished with all Books and Documents, relative to the property and moveables appertaining to the different Churches of Parga;

It is hereby ordered and directed, that all Governors of the said Churches, and Holders of the said Books, now in Corfu, do produce the same within 3 days at farthest, at the Office of the Secretary to the said Commission, in order to their examining and inspecting the same.

Any Person delaying to comply herewith will be liable to punishment.

Given at Corfu, the 10th of July, 1819.

ROBERT FORREST, *President.*

ANTONIO COUNT LANDO, *Commissioner.*

E. S. BAYNES, *Commissioner.*

By order of the Commission,

SPIRIDION ULANDI, *Secretary.*

(S.)—*Notification of the Commissioners of Liquidation.*

(Translation.)

Corfu, 24th July, 1819.

It is with peculiar satisfaction that the Commission are enabled to announce to the emigrant Pargiotes, that the distribution of their compensation or indemnification will commence on the morning of Monday the 2nd day of August next, and take place at the Office of the said Commission, at 8 o'clock in the forenoon.

This first measure will be solely and exclusively confined to such of the said Pargiotes as shall not be affected by claims on the part of His Highness the Vizir Ali Pasha, or by memorials, judgments, and acts, now existing in the Archives of the said Commission.

For more effectually insuring the regularity of the distribution, a list will be published the day before, of the names of those who are to [1819—20.]

be paid on the following day, one Copy of which list will be posted up for the information of the parties concerned, in the corner of the house Debiassi, on the Esplanade, another Copy in the public shops, at the Annunziata, and a like Copy on the door of the Office of the Secretary to the Commission, and so continue until complete payment of the indemnification.

Given in the Office of the Commission at Corfu, the 24th of July, 1819.

ROBERT FORREST, *President*.

ANTONIO COUNT LANDO, *Commissioner*.

E. S. BAYNES, *Commissioner*.

No. 2.—Sir T. Maitland to Earl Bathurst.

MY LORD,

Corfu, 24th November, 1819.

JUDGING from the character of the Publications, on the subject of the measures adopted by His Majesty's Government, in regard to the Cession of Parga to the Sublime Porte, and the assiduous attempts made in the daily prints to support the fallacies and misrepresentations with which they abound; I am afraid impressions may have been made on the public mind very different from those to which a true and fair statement of the transaction would naturally give rise.

I am perfectly aware of the difficulty of forming, at this distance, an accurate judgment of the state of public feeling. But whilst I know the natural and laudable bias which always exists in the well-regulated minds of our Countrymen, in favour of those who are stated to be weak and unfortunate, I see that there is not a single point or bearing connected with the question which has not been strangely perverted, that the political state of Parga and its Inhabitants have been misrepresented, its value and its means, and its capacities, grossly exaggerated, and the whole course of proceeding mis-stated to such a degree, that that which I am convinced is a rare instance of British liberality and humanity, has been tortured into a breach of national faith, a dereliction of the established maxims of British policy, and a wanton sacrifice of an innocent People, to whom we were bound by the strongest political and moral ties. I can, therefore, have no difficulty in discovering that it would be miraculous, if, after such efforts, prejudice had not pervaded the minds, even of the liberal and well-informed.

Under such circumstances, I am sure your Lordship will excuse a man anxious to preserve the character he flatters himself he has acquired in a long series of public services,—who, under your guidance, had no small share in the conduct of this transaction,—for intruding upon you with an attempt to put the case on its fair ground. And in doing this, I think, without going into any very great length, I can convince every fair and thinking man, that the policy which dictated the Cession of Parga, was wise in itself,—that the arrangements for the accomplishment of that object originated in a principle of humanity,

and were uniformly conducted in a spirit of conciliation and equity,—and that there never was a Cession made by any Power,—even by Great Britain,—which displays so much attention to the interests of the Inhabitants of the ceded Country.

To execute this design, it will be necessary, shortly to advert to the real situation of that place for some years past,—to the state in which we found it when our original connection commenced,—to the nature of the engagements we then entered into, and lastly, to the circumstances which naturally led to its restoration.

In doing this, I do not feel called upon to enter into any refutation of the vague insinuation that the Pargiotes have maintained themselves for ages against their more powerful neighbours, further than to state the simple fact, that this Possession had been held for centuries as a Venetian Colony; which must at once convince every man possessed of common knowledge in regard to the policy of that Republic, of the true character of Pargiote independence, and teach him duly to estimate the boasted efforts of this little State, which originally was neither more nor less than one of those predatory bands that kept Epirus for such a length of time in confusion and anarchy, but was never able to undertake its own defence; for, with a perfect conviction of their own weakness and incompetence, the Pargiotes have been uniformly mendicating support from every Nation in succession, with which it could form a connection.

Under the Venetian rule, it appears that the Government of that Republic, satisfied of the insignificance of Parga in a civil, military, or commercial point of view, and alive to the expense of its maintenance, endeavoured for a length of time to withdraw the Inhabitants to the Island of Corfu. Parga must, however, have been far more useful to that Republic than to any Power by whom it could now be held, because it then formed one link in the chain of their Continental Possessions, which are now swallowed up by the Ottoman Porte.

To us it has no such recommendation;—we can only consider it as a defenceless Village, surrounded by commanding heights, without works of any importance;—without a harbour even for the smallest Vessels;—without practicable roads into the interior;—without any thing that deserves the name of commerce, and without the means to provide for its defence or security.

In the year 1800, this little Colony shared the fate of the ex-Venetian Continental Possessions, which were by a Treaty, concluded at Constantinople between Russia and Turkey, ceded, under certain conditions, to the Ottoman Porte; to which Treaty Great Britain, subsequently, became a Party, by a specific Article in the Treaty of Amiens.

For the view I am now taking of this question, it is unnecessary to enter into the tenor of the conditions under which this Cession was

made; for it cannot be denied that the sovereignty was thereby ceded to the Porte, and it must therefore follow that the state of the property of Parga must have altered with a change of its Rulers, and that its value must have increased or diminished, in proportion to the degree of security which property enjoyed under its new Masters.

That the conditions stipulated in that Treaty did in words provide a degree of security for the Inhabitants of that Place, is undoubted; but when it is recollected that these conditions were successively violated, in the instance of every other ex-Venetian Colony, Parga could have no prospect but that of suffering a similar fate, from which indeed they were only saved by adventitious foreign aid, for after having passed through the hands of various Rulers, viz. the French and the Russians, they, in the year 1814 made their first application to the late Sir James Campbell for British military aid.

Here then it becomes particularly necessary to examine what was the actual situation of Parga, as well as of the British Force in the Ionian Islands, and what were the leading motives which gave rise to their application to us, and to our connection with them.

With a view to strengthen and narrow the blockade of Corfu, it had at that time been found necessary to take military possession of the Island of Paxo; and by this measure, together with the vigilance of His Majesty's Cruizers, all intercourse between Corfu and Parga had become not only difficult, but nearly impossible, so that the People of Parga must have despaired of any succour from French reinforcements.

On the other hand, Ali Pasha with a large force surrounded the whole of their Territory; he had just taken possession of Aja, and was preparing to attack the place of Parga, which was totally indefensible against his force, though it held at the moment 200 French.

To pretend that, under such circumstances, it was either affection for the English, or a predilection for our rule, that led to this application, is evidently false. Their motive cannot be misunderstood; it was neither more nor less than for the moment to avert the storm which impended over them.

To us, again, the possession of Parga at this time might be held, in a military point of view, to be of considerable use. With Paxo on the one hand, and Parga on the other, it gave an additional facility to the blockade; it narrowed still more the chance of escape from the vigilance of our Cruizers; and, therefore, Lieutenant General Campbell most wisely consented to grant to Parga for a time the protection of the British Flag and of a British Garrison, provided they drove out the French.

This I apprehend will be found the true state of the case, relative to the origin of our connection with Parga; for, the more it is sifted, the more clearly it will appear that Lieutenant General Campbell never

gave the People of Parga any assurance of a more permanent connection. What then was the character of the agreement entered into upon this occasion? one merely of military mutual utility; to us it was desirable to straighten the blockade of Corfu; to the Inhabitants of Parga it was necessary to prevent their instant and total destruction; and I must hold, that, under such circumstances, it was equally free to both to withdraw from the connection the moment it suited their respective interests; and that the only tie which connected us with them was not any obligation contracted by Treaty, but an obligation arising from the desire of maintaining that character for humanity and regard for the interest of weaker States, for which our Country is happily distinguished.

Allow me also to observe that this was evidently the view which the Pargiotes themselves took of the subject; for from the hour of their first application to us, they were constantly soliciting a more intimate connection, which was as constantly resisted.

Such was the situation of things, when the happy change of circumstances in Europe led to the surrender of Corfu to the Allied Powers, and to the subsequent proceedings which ended in the various Treaties definitively settled at Paris, towards the end of the Year 1815, when the destiny of the Ionian Islands was finally fixed.

In the Treaty which related to these Islands, the Boundaries were marked out, and Parga was irrevocably excluded; it is self evident, therefore, that whatever might be the fate of this place, all connection between it and the Ionian States, in a political point of view, was finally barred, and that, to whatever Power it fell, the Village of Parga could never again be united with those States.

Such, in my apprehension, was the tenor of the Treaty ratified by the Allied Sovereigns, which met with the most unequivocal approbation of the British Parliament.

In this posture of affairs the question naturally arose, to whom, in justice and equity, Parga ought to be ceded; and I think it is not difficult to show, that, on a fair understanding of the liberal principle then adopted, it could not possibly have been claimed by, or adjudged to, Great Britain.

It must be recollected that Great Britain, on that occasion, stipulated, in direct terms, for all those Possessions which she thought it necessary to retain for her own security, in return for the enormous sacrifices she had made in supporting the general cause against the usurpations of France; and that, with respect to the rest of the extensive Possessions, which the fortune of War had placed in her hands, she expressed her readiness to surrender them, upon the principle that each should revert to the Power to which it had previously belonged.

When, then, the Treaty relative to the Ionian Islands was con-

cluded;—when, by that Treaty, Parga was for ever severed from those Islands;—was it not natural, in pursuance of the general rule laid down, that it should revert to its former Master?

It had been ceded, 15 years before, in perpetuity to the Porte; with the Porte all the great Allied Powers were at the time in a perfect state of amity; and I really do not know upon what pretence or principle we could have any right to lop off an integral part of the Turkish Empire, at a moment when we were holding out the most unequivocal expressions of amity and conciliation to that Court.

Indeed it appears to me impossible, after the approbation of Parliament to the Treaty relative to the Ionian Islands, that His Majesty's Government could have adopted any other course than the one wisely pursued.

The situation in which we were placed, in relation to Parga, afforded them no pretext for making it an exception to the general rule; and when Parliament had approved the principle of ceding the Possessions we did not mean to retain, to those Powers to whom they formerly belonged, it must have been difficult to find any reason in this case for departing from that line of conduct.

From my local knowledge of this part of the World, I am perfectly prepared to say, that, in my humble opinion, if we had adopted any other course, it must have been attended with consequences hostile to British interest, and ruinous to our honour and character.

From the Ionian States, Parga had been, by Treaty, cut off: what then must have been said if we had kept it as a Possession of Great Britain? Must it not have appeared, that England had secured for itself a barren rock in the Ottoman Territory, possessed of no means of defending itself; which could not be of the smallest use, but which must have tended to generate a spirit of hostility and disgust on the part of the Porte? Must it not, under such circumstances, have been held on the scale of a Place of War? Must it not have been newly fortified and strongly garrisoned? And, I am sure I am greatly within bounds when I assert, that, independent of the enormous expense of new fortifications, it must have cost the British Government not less than an annual sum of £50,000; and even then, though we might, by a garrison, have kept possession of the Fort, we could not have protected their Territory;—we could not have prevented their being placed, as it were, in a state of constant siege, cut off from all communication with the interior, and as completely isolated as if it had been a rock in the ocean.

Neither could this have been done though Parga was severed by Treaty from all political connection with the Ionian Islands, without its having an intimate connection with the British Force in those Parts; and, from this very circumstance, I have no hesitation in saying, that the occupation of Parga was not only not desirable to us, but would

have been attended with evils of the very greatest magnitude ;—of a magnitude, indeed, that, in my opinion, would have materially interfered with the observance of the duties which devolve on us as Protectors of the Ionian Islands ; inasmuch as it would have proved a constant bar to the advancement of their interests and the increase of their commercial prosperity ; as these Islands must have permanently suffered what they are now suffering from the weighty penalty of universal quarantine, from which, now we have got rid of this expensive and useless appendage, I trust they will soon be relieved.

In this point of view, then, the Cession of Parga to the Porte becomes, on the one hand, a great relief to the British Government ; and, on the other, a great advantage to the Ionian People, whom we are bound to protect ; and, for this reason, I most sincerely rejoice that it has been happily got rid of.

These are the grounds, my Lord, which I conceive to have directed His Majesty's Government in their determination to cede Parga subsequent to the Treaty of Paris of the 5th of November, 1815 ; for to me it appears, that they could not have acted otherwise, consistent with the spirit that guided those measures, which have happily established, and permanently secured, the tranquillity of Europe : and your Lordship will allow me to apologise for stating my views on this subject, because, if I could have perceived any reasonable ground for the censures that have been bestowed on this measure, I should have felt that I had forgot what was due to my own character in undertaking the execution of it.

This naturally leads me to the consideration of the conduct pursued in effecting the Cession of this little Colony : for it must be admitted, that, if it can be shown that the measures, in detail, have been carried into effect in a different spirit from that which led to its adoption, there would be fair room for censure and disapprobation ; and this is, perhaps, the part of the question to which the public attention has been chiefly directed.

Now, without occupying much of your Lordship's time and attention, I think I can prove, in the clearest manner, that the execution of this measure, in all its details, was marked not only by a steady adherence to the principles of humanity and justice, but by a laborious and unceasing attention to the interests of the Pargiotes themselves, under circumstances of no common difficulty and delicacy.

Consistent with those principles, and with a due consideration of that equitable and humane conduct which it was fitting for Great Britain to pursue, there were but two principles on which this Cession could have been conducted.

We might either have endeavoured to stipulate by express and definite terms, in a Treaty (as was attempted in the year 1800,) that the

rights and privileges of the People of Parga should be guaranteed to them under the Sovereignty of Turkey : or, we might have interfered, by the personal influence of Great Britain, to secure to those who chose to emigrate, a fair equivalent for the property they deserted.

In considering which of these 2 alternatives to prefer, your Lordship will at once perceive, that the objection I have already stated to our holding Parga as a British Possession, arising out of the necessity of its changing the whole nature of our relations with the Ottoman Porte, still more forcibly applies to the measure of stipulating, by Articles of a Treaty, for certain specific immunities to be enjoyed by the People of Parga, distinct from the other Subjects of the Ottoman Porte.

It must, indeed, have placed us in the exact situation in which we would have stood in regard to the Porte had we held Parga for ourselves, with this most important and essential difference, that the amicable relations between us and the Divan would then have rested, not on the prudence and responsibility of British Officers, but on the conduct and feelings of the Pargiotes, who, whether under the Venetian, or any other rule, have uniformly been in a state of petty warfare, occasioned by that desire of pillage which is well known to be the constant motive of their conduct.

Besides, we had before us the result of a similar measure actually adopted in the year 1800, when we knew that the powerful and humane interference of Russia, coupled with the sanction given by Great Britain in the Treaty of Amiens, could not avert the fate of all the more important ex-Venetian Continental Possessions ; such as Prevesa, the Places in the Gulph of Arta, Bucintro—all of which successively suffered under the virtual, if not open, infraction of the engagements which had been entered into.

Indeed, it appears to me, looking, on the one hand, at the character of the population of Parga, and, on the other, at that of the Ottoman Porte, impossible to suppose, that Parga could have remained in possession of any degree of liberty which might have been stipulated in the mere Articles of a Treaty ; for such a supposition would be directly at variance, not only with the experience of past ages, but with all sound reasoning on the probable chances of future events.

Upon every view of sound policy, therefore, both as regarded our own character, the interests of the Ionian Islands, and the interests of the Pargiotes themselves, we were bound to prefer the alternative of endeavouring to secure for the Inhabitants of that Place the option of either remaining upon their property, or, if they chose to abandon it, of receiving a fair remuneration for what they deserted.

To accomplish the design I had in addressing your Lordship in this Letter, it therefore only remains for me to establish, that the execution of the measures adopted for carrying this plan into final effect, were

marked throughout by a spirit of fair dealing towards both parties, such as became the character of a powerful, enlightened, and generous Nation: and I flatter myself it will be easy to show, that, from first to last, as far as related to the conduct of Great Britain, she never deviated from the line she had laid down for herself; she never wavered in the mode of proceeding she had resolved on; but uniformly conducted herself, on the one hand, with a due observance of her relations to the Porte, and, on the other, displayed the deepest consideration for the circumstances and condition in which the Inhabitants of Parga were placed. On this part of the subject it may, however, be necessary to make some preliminary observations.

I see from Publications sent me from England, as well as from the Continent of Europe, that an attempt has been made to raise a clamour on the ground of Parga's being ceded to Ali Pasha.

To support this clamour, extracts have been published from all the accounts that could be raked up, relative to the atrocity of his conduct during the progressive extension of his authority, up to the period of its final establishment upon the broad foundation on which it now rests; nay, it has been asserted, with the most intrepid effrontery, by the principal Agent in all this clamour, that it was the intrigues of Ali Pasha, at Constantinople, which induced Great Britain to acquiesce in this Cession of Parga.

Your Lordship must, however, be aware of the total falsehood of all such insinuations. You must know that the Cession of Parga was an act of His Majesty's Government, without any reference to, or connection with, Ali Pasha; proceeding from no other motive except the conscientious desire of executing, in the strictest and most honourable manner, those sacred obligations which result from the perfect conviction of the nature and spirit of our Agreements with the Great Allied Powers of Europe.

In respect to its being ceded to Ali Pasha, I positively deny that such a thing ever took place. The original arrangements were begun and settled at Constantinople. The actual Cession was made to Hoggia Kham Hamed Bey—the Commissioner sent from the Porte for that purpose—who simultaneously delivered the Accession of that Power to the Treaty relative to the Ionian Islands, and the acknowledgment of their being placed for ever under British protection.

I do not mean to say, that, from the first, it was not obvious that Parga, when ceded, would naturally fall into the Pashalick of Ali Pasha; but I shall be glad to know what remedy for this was within our reach. I know no principles of diplomacy which would have justified any interference with the Porte, to prevent that Court giving Parga to any one amongst its servants whom it thought fit to select subsequent to the Cession; and I am yet to learn where an instance is to be found of one Nation dictating to another in respect to the choice of its servants to govern its own Territory. And, therefore, I conceive we had

not the smallest right to stipulate with the Porte, that, on receiving possession of Parga, it should not be given to Ali Pasha, to the Pasha of the Morea, or to any other servant of the Divan whom the Sultan might prefer.

Your Lordship is aware that a pretension to such an exclusion could not have stood one moment, and would have been nugatory if it could, for this would not have prevented a relation or dependant of Ali Pasha governing in his stead.

When His Majesty's Government had resolved on the propriety of the Cession, it naturally occurred that some stipulation was necessary to be made in favour of its Inhabitants; because it was self-evident, that, without such stipulation, those who emigrated would virtually lose the whole of their property, and those who remained would fall under the lash of the Ottoman Porte. It was obvious too, from the first, that a great part of the most wealthy of the population would emigrate, from a recollection of what had been suffered by persons in the same situation, in the other ex-Venetian Continental Possessions; but it could not be supposed or foreseen that the whole of the poorer orders of society, who certainly were exposed to no danger in remaining, would have followed their example.

In this view of the subject, His Majesty's Secretary of State for Foreign Affairs instructed Mr. Frere, (then acting as the Ambassador at Constantinople,) to enter into an agreement for the Cession of Parga to the Porte, directing him at the same time distinctly to stipulate, that a fair equivalent to the value of the property should be paid to those who might resolve on emigration.

Your Lordship, about the same time, desired me to turn in my mind who should be appointed Commissioner to treat and settle with a Commissioner from the Porte, all the details connected with the Cession. I accordingly did select Mr. Cartwright, then Consul at Patras, (now Consul-General at Constantinople), as the fittest person to hold this situation.

At the time I appointed him Commissioner, I neither had the honour of his acquaintance, nor had I ever seen him: his appointment was the result of the opinion I had formed of his capacity to carry into effect the orders of Government, and I have had every reason to be satisfied with the choice. His Majesty's Minister at Constantinople having completed the Negotiation on this head with the Divan, transmitted by the Commissioner of the Porte, Hamed Bey, a Dispatch to me, stating the nature of the agreement and the intentions of His Majesty's Government. Hamed Bey was proceeding directly to Parga, when he was delayed by Ali Pasha at Joannina, who forwarded to me the Despatches from Mr. Frere, together with a Letter from himself on the subject.

The moment I received this Dispatch (for I was not till then aware that the Negotiation at Constantinople had been concluded,) it appeared

to me necessary to adopt two measures; first to reinforce the Garrison of Parga; and secondly, to direct our Commissioner to repair forthwith to Joannina. The necessity of the former of these measures was perfectly obvious from the circumstance of our having only 30 or 40 men in the Garrison, and it became of moment that the reinforcement should arrive at Parga antecedent to the Pargiotes learning to a certainty that the British Troops were on the eve of withdrawing from the Garrison.

It frequently occurs that the mixing two things, in themselves distinctly separate, will give a colourable pretext for unfounded assertions and suppositions, which would not have been afforded if no such jumble had taken place.

As a proof of this, I may mention an assertion attributed to me, that I was of opinion that the Cession of Parga was a matter of great difficulty and delicacy. I certainly did think, from the knowledge I had of the character of Mahomedan rule, that the completion of the definitive arrangements would be a matter of difficulty; and that, as far as related to the Pargiotes alone, there would be some matters to settle of considerable delicacy.

It has also been asserted, that I thought it would be a service of considerable danger to those on the spot. But upon this I beg leave to observe, that I never entertained any such opinion, in reference to the power of the Porte or of Ali Pasha. I never sent any reinforcements there, in this view of the subject; for I could not but be aware, that our real security, as far as related to the Divan of Constantinople, rested not on the numbers of the Garrison in Parga, but on the cordial connection which existed between us and the Porte. It was not to the strength of the Garrison, I say, that we were to look for security, but to the respect justly paid by the Ottoman Authorities to the British Flag.

On the other hand, I certainly did feel, from the character of the Pargiotes, that there might be, at the first moment of taking measures for the restoration of the Place, considerable danger to be apprehended from the turbulent spirit of that People, and the situation to which they might consider themselves reduced. Neither could I conceal from myself, that from the general looseness of the conduct of all the Agents of the Ottoman Porte, though neither Ali Pasha nor the Porte itself might have any such design, there might have been some risk incurred if the Garrison was not strengthened; therefore, on the one hand, to defeat any tumultuary effort on the part of the Pargiotes, and, on the other, any irregular attempt to obtain possession which might be made by the Ottoman Agents, I did reinforce the Garrison of Parga, not privately and in secrecy, as has been asserted most absurdly, but openly and avowedly, and with the rapidity which the nature of the circumstances demanded, so that its effective strength was raised to 300 men. At

the same time I appointed Lieutenant Colonel De Bosset Commandant of the Place, the only measure I ever had occasion to regret in the whole course of this delicate and protracted affair.

The second measure I adopted was that of forthwith sending the Commissioner to Joannina, to enter into communication with his Ottoman Colleague, the Hoggia Khan Hamed Bey. Soon after his arrival it appeared evident that the sole object of this Commissioner, Hamed Bey, and the Pasha of Albania, was to get possession of the Place at once; not indeed by violence or military force, but upon the principle of entering it in a friendly manner, and then making good their engagements.

To this I at once peremptorily objected, and at first insisted that a period should be assigned for the Cession of Parga, not less than 6 months from the date of the Convention, to be settled at Joannina. They, however, in the usual spirit of the policy of their Court, refused to consent to this measure. I at length gave way; having, on the other hand, settled, that Parga should never be ceded till the amount of the indemnity to the Inhabitants was paid, and a Convention was accordingly signed, in which the Stipulation was drawn up in very precise terms.

Your Lordship will perceive, that the main difficulty throughout the whole of this Negotiation, was to ascertain what constituted a fair equivalent in money for the property, and that it was indispensably necessary that the 2 Commissioners should proceed to the spot, in order that authentic valuations might be made.

In the mean time, however, Lieutenant Colonel De Bosset, without any authority from me, chose, from some fancy of his own, to commence and finish a valuation of the Pargiote property, according to rules laid down by himself, and by Persons of whose names and characters I am totally ignorant, even at the present moment, further than that they were Pargiotes whom, with rare sagacity and discretion, he was pleased to appoint to set a value upon the very property, for the relinquishment of which they were to be indemnified.

The Convention, however, having been signed at Joannina, while I was at Malta conferring with Sir Robert Liston upon this subject, the Commissioners set off to Parga, where they at length arrived, though every kind of impediment was thrown in their way from the affected zeal and knowledge of Lieutenant Colonel De Bosset, whose officious and unauthorized interference, as it hampered them severely in the execution of their duties, produced upon the mind of each a strong feeling of surprise and disgust.

Their first step was to call before them all the Inhabitants of the Place, when the Commissioner of the Porte, finding, as he stated, from the efforts and intrigues of this industrious Officer, that all the Inhabitants of Parga, with very few exceptions, were determined to emigrate,

immediately closed the proceeding, declaring in the broadest manner that such an emigration had never been contemplated by the Porte, that he had no orders to meet this occurrence, and that he must apply to the Divan for Instructions; reference was accordingly made to Constantinople, and this led to a virtual suspension of all the proceedings for nearly 5 months.

On my return from Malta to Corfu, in the latter end of the Year 1817, I received from Ali Pasha a pressing invitation to meet him at Prevesa, to which I consented, and repaired to that Place with Sir Charles Penrose, the Admiral of the Station, who heard every word that passed between the Vizier and myself. In the Conferences that then took place, I maintained firmly, but temperately, that the British Government had no intention to retain Parga, though it was determined to hold it till a complete adjustment was made of whatever indemnity might be established as fair, after a valuation of the property; and I suggested an expedient, which, while it relieved the Porte from the necessity of paying the money down, would, in fact, have enabled the British Government to advance it without any chance of eventual loss.

This meeting, however, produced no other advantage than expressions of general civility and good will; and in the same spirit the whole proceeding was continued another year;—Great Britain always adhering to her original proposition, viz: “that she never would cede the Place till the Indemnity was made good.”

I was again pressed, in the beginning of the Year 1819, to meet and confer with Ali Pasha; I met him accordingly at Bucintro, when, after some very angry discussions to convince the Porte of the real intention of the British Government to cede Parga, I consented to a small Body of Turkish Troops being admitted, (from whom we had nothing to fear,) within the Territory of Parga. This created for the moment a considerable degree of embarrassment, for the Pargiotes, without waiting to see the result of the negotiation,—without attending to the assurances or entreaties of Major-General Sir Frederick Adam, whom I sent to Parga for the purpose,—instantly began to emigrate, terrified at the very idea of an Albanian approaching, though still under the protection of the British Flag; and in fact they did emigrate to a very great extent, long antecedent to the conclusion of any definitive arrangement.

Shortly after this, I was pressed again to proceed to Prevesa, finally to settle the business; and after a long discussion, the whole scene closed in my receiving the Indemnity, and Parga being delivered up to Hamed Bey, Commissioner of the Porte.

Thus, my Lord, I have traced a brief but faithful outline of the history of this Cession, and I now proceed, in the last place, to examine and refute various calumnies and misrepresentations which have gone forth, in respect to the mode in which it was completed.

At the head of this stands pre-eminent, both from the use which has been made of it, and from its intrinsic absurdity, the assertion, that if we did not choose to protect the Pargiotes, we ought to have left them to themselves; that if we did not mean to better their situation, we ought, at least, to have allowed them the full benefit of their own military exertions, and of their own means of defending themselves.

There are some things, my Lord, which it is hardly possible to discuss in a serious manner; but by way of showing your Lordship the true bearing of this part of the subject, it may not be amiss to refer here to a declaration from Lieutenant Colonel de Bosset himself. He is pleased to state to the Public, "that though he asked for Instructions, he never received any from me in writing," which I affirm to be a positive falsehood. It is true, as I stated in a former Letter to your Lordship, that I never did give him any Instructions relative to the policy I was observing, or acquaint him with the measures I was pursuing; with all this he had no concern; but in no one instance did he ever ask from me Instructions relative to anything which fell within the narrow sphere of his duties, without instantly receiving them.

His situation was that of mere Military Commandant, and Civil Governor of the Place of Parga; but, no sooner had he arrived there, than he stated to me, (what I naturally expected would be the case,) that the prospect of the Cession had produced a powerful effect upon the feelings of the Population; upon which, with a view to quiet the sensation it had excited, I issued to him the Instructions your Lordship will find in the Appendix, dated 24th March, 1817.

A very few days subsequent to this, he applied for directions how he was to conduct himself, if actually attacked by the Porte, which he appeared to apprehend on very ill-founded grounds, when I issued to him further Instructions, also to be found in the Appendix, dated 2d April, 1817.

If your Lordship will peruse these Instructions, I think you will agree with me, that, whether in respect to his situation of Military Commanding Officer, or as Civil Administrator of the Parga Government, more precise and more specific directions, under the circumstances, could not have been framed.

But in regard to the point I am now considering, I beg particularly to call your Lordship's attention to the IVth Article of the first set of these Instructions; viz. "I think it can hardly occur, but you must impress upon the minds of the Inhabitants of Parga, in the deepest manner, that if, whilst we are engaged in obtaining for them, not only the release of such Persons as may wish to emigrate, but also the value of their property, they should presume by violence and bloodshed to take the smallest relief into their own hands, their fate must then be left to themselves, and that I shall consider His Majesty's Government as perfectly relieved from that necessity, which at present exists, of

interfering in their favour, not more for their advantage than for the honour and character of the British Nation."

This Extract, my Lord, will show you at once, not only the fact with regard to the assertion of which I am now speaking, but the feeling I entertained upon the occasion; so far from its having been a question whether they were able to defend themselves, or so far from its having ever been supposed that they wished to do so, the only real and essential threat that I could hold out, not only at the beginning, but at the end of this transaction, was, that if they did not conduct themselves quietly, and with decency, they should be placed exactly in the situation which their pretended Advocate considered they were coveting; and the effect of this threat was, from first to last, the strongest and weightiest ground upon which the preservation of tranquillity rested.

How then can it be made matter of complaint that we did not place them in a situation where they could take advantage of the natural strength of their position to defend themselves, and to resist the power of the Ottoman Empire?

For my own part, I should have considered that, proposing to leave them to defend themselves, would have been the grossest insult and derision that could have been offered to them; it would have been in fact proposing to leave them in a situation in which they never did, and never could for any length of time stand; and it would have been disgracing ourselves by exposing them to immediate destruction. Had we acted so unwise and indefensible a part, what must have been the inevitable consequence? Would not the present clamour, raised upon grounds not maintainable for a single instant, have been bottomed on a far more solid foundation? Should we not then have heard, not of their enthusiastic and abundant means of resistance, but of their notorious incapacity to defend themselves, supported by the experience of their whole story—of the treacherous policy we had observed—and of the certain murderous result of that policy?

The next point which seems to have been anxiously pressed on public attention, is the difference between the sum to which the valuations amounted, and that which the Pargiotes did actually and ultimately receive. This is a point in which I feel myself considerably implicated, because I did give (and I by no means regret it,) a strong and decided opinion upon the subject.

I have already stated to your Lordship, that Lieutenant Colonel de Bosset, upon grounds and principles which he may explain, but which I am sure I cannot, did set about making a supposed valuation of the property of the inhabitants: of the amount of that valuation I am at this present moment unaware, for I never would look at or receive one paper connected with this business.

In the progress, however, of these arrangements, a valuation was

made on our part by 4 Gentlemen of the Island of Corfu. There was also a counter-valuation on the part of the Porte—and the difference between the amount of these two valuations was so great, that it was evidently impossible they could ever meet or be adjusted, without the equitable interference of superior authority to settle this part of the business.

This was a subject which I had occasion to consider with the deepest attention ; and I can only say for myself, that, keeping in view the direct execution of His Majesty's orders, I never gave an opinion where the bias of my mind was not in favour of the party who appeared to suffer on the occasion.

I have already explained to your Lordship, in my observations relative to the general policy of the Cession, that, from the moment Parga was given up to the Porte in 1800, every portion of individual property, and indeed all the property in the mass, must either have diminished or increased in value, according to the nature of the Government of that Power to which it was ceded.

Now, applying this maxim, which is so obvious, that it may be called a truism, to the case of Parga, I ask, what was the value of the tenure of their property, from the hour they fell under the Ottoman rule?—I am not now considering what the value of the Pargiote property was after we had declared our determination to cede the Place, but what was its real value antecedent to our having any connection with it.

It is true that olives sold at Parga, might bear the same price with those at Corfu ; the question, however, does not rest upon the price of exportable commodities, but upon the value and tenure of the lands upon which such commodities grew ; and can there be so absurd and indefensible a position assumed, as that the value of property at Parga, under the circumstances in which it stood, ever could be estimated on the same scale, and upon the same footing as property of the same description situated in the Ionian Islands ? For we must bear in mind that these Islands had been established as an independent Republic under the Treaty of 1800 ; and a more self-evident proposition cannot be stated than this, that, whether at the conclusion of peace they were put under the protection of Russia, of Austria, or of Great Britain, or ceded in sovereignty to any of these three Powers, still property itself would maintain a proportional value, according to the degree of security which the laws and regulations of these several Empires might hold out.

But was this the case with regard to Parga ? So far the reverse, that, from the moment the Treaty of 1800 was signed, the value of all property in that place was nearly annihilated ; and when further we come to consider what must have been the effect produced upon the value of that property by the measures of the Porte, respecting property

at Prevesa and Bucintro, it will appear clear that there was nothing in reality to value, but the bare occupation of what the Proprietor must be content to enjoy under the daily and even hourly risk of losing it altogether.

To draw any comparison then between the value of property at Corfu, is evidently a fallacy of the grossest nature; yet the calculations made by the Corfuote Valuers were drawn up with reference to property of the same extent and description situated within the United States of the Ionian Islands.

To say that property in Corfu, which might sell for 300,000*l.* sterling, was a standard for estimating, at the same value, property of the same description, but which was, from circumstances, depreciated to the extent I have already explained, evinces a confusion of intellect almost incredible, and yet, upon such ground has all the clamour upon this part of the subject been raised. I have no doubt that the Valuers employed by us did, to the best of their knowledge, estimate the property at Parga fairly, with reference to the same property at Corfu. I have as little doubt that the Valuers, on the part of the Porte, estimated it according to their principles, and their general mode of considering the question. But it was clear from the first, (and your Lordship will do me the justice to say I have frequently stated it,) that the 2 Governments would find themselves under the necessity of interfering to settle an equitable medium; and I certainly did, in that view, propose that it should be fixed at 150,000*l.* sterling, and this sum was ultimately agreed to on the part of the Porte.

I have said that this was a part of the subject on which I had most deeply reflected. And in making the proposition that the sum of 150,000*l.* sterling should be the amount of the Indemnity, I had well considered the 2 valuations which had been made of the property.

The Corfuote valuation amounted to 280,000*l.*, whilst that made by the Turkish Valuers did not exceed 56,756*l.* But it is necessary always to bear in mind that the Corfuote Valuers had drawn up their valuation, exactly as if they had been estimating the same property situated in the Island of Corfu. Now, it seems to be, after what I have already stated in relation to the diminished value of property in Parga, from the moment of the cession of that Place by the Treaty of 1800, that certainly the difference of 130,000*l.* was not more than the state of the case gave us full reason to anticipate; but I go, my Lord, a great deal further, and I am inclined to maintain, nay, I am perfectly convinced in my own mind, (nor have I ever conversed with any well-informed man who was not of the same opinion,) that the 150,000*l.* being paid at once in actual cash, produced a greater clear gain to the Pargiotes, than they could ever have obtained by any sale they themselves could have effected, even had they definitively remained under our protection.

Your Lordship has not to learn the vast and striking difference which exists between payments in cash, and those nominal payments at distant periods, which are sometimes agreed to on the transfer of landed property. You are well aware that even with the enormous capital of Great Britain, the generality of sales and purchases made in her extensive and important West India Colonies, are for the most part a mere transfer of property without any payment, except a small portion of the purchase money, the residue being secured by mortgage on the property sold. Neither are you now to learn that an essential difference exists in the price whenever such property is actually sold, upon the terms of receiving the whole amount of the purchase money immediately.

It this be so with regard to that valuable portion of our Empire, I will venture to say that it is still more true here, where the want of capital is one of the prominent features and characteristics of the Country; and if all this be undeniable, I then ask whether, having given the Pargiotes 93,244*l.* more than the valuation made by their fellow Countrymen, under all the depreciating circumstances in which that property was then placed, with the certainty of the whole being immediately paid in cash, was either an unfair or an inequitable arrangement? Upon this point I have hitherto limited myself to a statement of the general grounds upon which I hold that the arrangement of paying down in ready money 150,000*l.* was doing ample justice to those who emigrated from Parga.

But, independent of those general grounds, I am ready, my Lord, to maintain, and to prove, by incontrovertible Documents, that this sum not only covered the amount of the Corfuote valuation of 280,000*l.*, according to the established usage and practice in which such statements are considered in this Country, but very greatly exceeded it.

So great was the difference, even before the Treaty of 1800, between property situated in Parga and in Corfu, that in all cases of valuations made in the same manner as the present, it was a perfectly recognized principle, that one-third part of the amount was to be deducted, as the settled and established difference in value of such properties. The vicinity of the Parga property to the Ottoman Empire, even when under the rule of Venice, occasioned this difference of value. If this then be a fact, which no man can controvert, I ask, what ought to be, in reason, the proportional diminution, when, instead of being merely in the vicinity of the Ottoman Empire, Parga had actually become an integral part of it?

But, my Lord, to come to the usage and practice here, between cash payments in purchasing estates, and other arrangements of credit in the mode of paying for them, I am ready to show, by the most undeniable evidences, that the general rule is, that, whenever cash is paid,

a deduction is made at least of one-fourth, nay, sometimes much more, particularly in instances of large sales of property.

Let us then see the result to the Pargiotes of the conduct of Great Britain, in fixing the amount of the Indemnity at 150,000*l.*; in doing which it will be necessary to keep in strict view the 2 points above mentioned; the first, the established difference between property in Corfu, and property in Parga; the second, the regulated deduction from the amount of all such valuations of property, in consequence of immediate payment of the whole purchase money in cash.

The highest valuation of the Parga property, valued as if it had been property of a similar description in Corfu, was 280,000*l.* The deduction under the first point was one-third, say 33 per cent.

The deduction under the second - - - 25 per cent.

making together 58 per cent.

which, if deducted from the sum of 280,000*l.*, leaves the amount due to the Pargiotes 117,600*l.* But it is to be observed, that the whole deduction of 58 per cent. has been made in this statement from the 280,000*l.*; the 33 per cent. however, in fairness, should only have been deducted, in the first instance, from the gross amount of the Corfuote valuation; and from the sum then remaining, is to be deducted the 25 per cent. for immediate payment in cash. This will make the amount the Pargiotes had to receive 140,700*l.* instead of 117,600*l.*; and as they did actually receive 150,000*l.*, they have, in fact, obtained more by 9,300*l.* than they had a claim to, according to the law, usage, and practice, in all sales of property; or, to place the matter in another point of view, they altogether suffered a deduction of $46\frac{1}{2}$ per cent. instead of one of $49\frac{1}{2}$.

I have then shown you, my Lord, that, in fact, they have received, even under the highest valuation of their property, more than they had a right to expect; but if we advert to the Turkish valuation, viz. 56,756*l.*, they have received nearly three times the amount of it. But, my Lord, I cannot stop here. The original Stipulation was 150,000*l.* or 666,000 dollars, in the ultimate adjustment of the affair; however, I deemed it advisable to remit 33,000 dollars out of the 666,000, to be paid by the Porte, on condition that the money was all paid in Spanish or Imperial dollars, instead of the current coin of the Kingdom of Turkey; and what was the consequence of this arrangement?

Your Lordship must be thoroughly aware, that we should have been placed in a situation of difficulty had the valued amount of this property been tendered by the Porte in Turkish Piastres; because, however well we know the debasement of this coin, I am yet to learn, how we could with propriety have interfered, except through the voluntary liberality of the Agent of the Ottoman Porte, in a transaction between that Government and its own Subjects, (for that is the fact,) to the end

that they should be paid in Foreign Coin, and not in the Coin of the Country. This point, however, I effected, after the most mature consideration, by sacrificing the sum I have above stated; and I must hold, that the gain to the Pargiotes, from this arrangement, was very great indeed. It is needless—nay—it is hardly possible, to enter into a correct calculation upon this particular point; but, I am sure I need not state to your Lordship what must have been the consequence of our consent to receive payments in this debased coin, and what the pernicious effects of allowing so large a mass of it to be poured in upon the money-circulation of these Islands. Need I say, that it must have sunk its current value infinitely lower than the rate at which it was paid to us?

I hold this to be so self-evident that it must be unnecessary to enter into any argument on the occasion; and I hold, too, that the Pargiotes, in receiving 33,000 dollars less, in Spanish and Imperial dollars, did actually receive a very considerable bonus; or, in other words, a much larger sum, in effect, than was originally stipulated for. But, my Lord, is this all I have to say on this part of the case? No. I have to ask, if the Pargiotes were taken by surprise on the subject? On the contrary, the instant the amount of the Indemnity was determined, was it not proclaimed by me in specific terms; and were they not left to the option, after they had been explicitly informed of the sum they had to receive, either to remain, or to accept what was considered a fair and adequate equivalent for the property they deserted?

Every one of them knew the amount of the original valuation which had been made of their respective properties.

Every one of them was made acquainted with the proportional diminution in consequence of the arrangement I have above stated. Nay, more, my Lord—for fear of any mistake upon the occasion, each Individual received a ticket, in writing, stating the amount of his share; and the result of the whole was, that, instead of objecting to the fairness of the valuation at the moment, they all expressed their joy upon the subject in the strongest and most unequivocal manner; and this I am ready to prove by the testimony of that most respectable Officer, Lieut. Colonel Gubbins, who personally attended the distribution of the tickets.

I beg, however, that your Lordship will understand, that, however just, liberal, nay generous to an unparalleled extent, the conduct of Great Britain, upon this occasion, may have been—however satisfied the individuals might have been at the moment—I am very far from wishing to hold out, that the People of Parga may not now insinuate, that they have been unfairly dealt with; or, that they may not set up all kinds of claims for further remuneration and consideration. He must know but little of the real character of such a Population who

does not foresee, that, when numerous publications in England, and even on the Continent, are spreading multiplied mis-statements of the whole case, it will inevitably tend to create and excite dissatisfaction at the arrangements which have been made, and give rise to exaggerated pretensions, and claims at variance with every principle both of equity and justice.

The mischief occasioned by such assertions and such doctrines is not one, my Lord, of a very minor kind ; I cannot then pretend to say, whether, in consequence of this, new pretensions and new claims may not be set up : but I do maintain, for the reasons and grounds I have now stated, that, in fact, instead of being unjust or unfair, the conduct of the British Government, in regard to this part of the question, not only exhibits the strongest regard for justice, but even a most unusual example of liberality and kindness.

These, my Lord, seem to have been the 2 principal points that have been most generally dwelt upon. But there are many calumnies that have been publicly propagated with a view to give a general tone and character to the whole of this transaction ; and in all these, the nature and description of the attack made is not so much against His Majesty's Government as against myself individually. I have lived too long, and have seen a great deal too much, not to feel, in a degree, callous to all that malice and falsehood can invent in regard to my conduct, so long as I am satisfied, in my own mind, that I have fairly and honourably executed the trust reposed in me.

Did, then, this part of the case apply to myself alone, I can assure your Lordship, I would pass it by as the idle wind which I regard not. But, when misrepresentations of my conduct involve in their consequences the rectitude of the proceedings of His Majesty's Government, I must, though with great pain to myself, say a few, but very few, words upon the occasion.

It had been stated by some, that I was received by Ali Pasha at Prevesa, with particular honours ; that I carried with me a large Suite ; and it has been insinuated, not by a few, that I came back to Corfu loaded with presents of extraordinary value. It has been asserted by some, that the Pasha of Albania cajoled me—by others, that I lowered myself beneath the character of my situation to cajole him.

It has been stated, that there was no uniform system which guided my conduct throughout ; but that I varied according to circumstances, and changed it according to the impulse of my own vanity and interest. Upon these points, my Lord, I have only to say, that I did go to Prevesa with a large Suite—that I solicited the Admiral to accompany me—and that I took with me several Persons of consideration in our own Country. I was received by the Pasha of Albania in a manner suitable to the rank I hold here, as the Representative of my Sovereign ; and certainly, if I had not been so received, I should

have deemed it my positive duty to have cut the matter very short, and to have returned at once to Corfu.

Those who best know me, are perfectly aware of the value I put upon external pomp and parade. If there be any thing on earth I detest, even to a foible, it is this very thing : but, whatever my own personal feelings may be, I hope I am too much alive to the execution of my duty, ever to allow my own fancies to interfere when my public duty demands a different course of proceeding. I was received by Ali Pasha, and by the same Attendants who generally follow him in all his excursions. I was treated with the distinction due to the Representative of my Sovereign ; but I profess my total ignorance of any particular civility shown me. It is said, however, that I came away loaded with presents of the richest description. The fact is, that I never did receive, from first to last, the smallest present, except a few pounds of snuff, and a half-worn-out pelisse covered with vermin, to keep me from the cold in going off to the Ship, which I threw off when I got on board, of the fate of which, I am at this present moment totally ignorant.

Neither, my Lord, when you come to look at the voluminous Correspondence in your Office, of every transaction which passed between me and the Pasha, do I think your Lordship, or any man, can accuse me of being deceived by his promises, or cajoled by his flattery. The supposition that I attempted to flatter or cajole him is still more absurd, and still more preposterous. The truth is, that I have long been convinced, that, whenever we are called upon to deal with a Power whose habits are so different from our own—whenever it is our duty to assert British Claims to parties ignorant of our maxims and our policy, and who apply to us the perverted system by which they themselves are too commonly guided—our only strength, and our only resource, is to deal without the smallest reserve, with the utmost fairness, firmness, and consistency,—to state at once, in the beginning, what we will do in the end ; and never to desert, from first to last, the original grounds we assumed and asserted, except in points of very minor importance.

I appeal to your Lordship, before whom are all the Documents, whether this was not the invariable line of my conduct,—whether I ever swerved from the original Instructions I received,—whether I did not uniformly conduct myself with firmness and consistency,—or, whether I ever lowered, in any thing, the character of my situation, by showing an undue deference or respect for the Pasha of Albania ? Upon this head, I can give your Lordship a pretty strong proof of the principles which guided me ; for after the Pasha had appointed me to be at Bucintro on a certain day, he kept me two days and a half there before he himself arrived ; the consequence of which was, that, as soon as I was apprised of his approach, I got into a boat and proceeded to Corfu ; and kept him waiting for the same period before I returned.

But, my Lord, it is in fact useless to make any statement on these points, for the issue of this Negotiation must be in itself, to every man acquainted with the subject, the strongest evidence of the mode in which it was conducted throughout: any man (and many there are in our Country who understand this question as well, nay, possibly, better than myself,) will, I am sure, acknowledge, that when the individual employed is influenced by corrupt motives as applicable to money, or gives way to any personal feeling of vanity or folly, the chance of this sort of Negotiation, in such hands, coming to any favourable issue, is hopeless indeed.

But the present one not only came to a successful issue, contrary to the expectation of the most experienced, but to an issue unprecedented in the annals of the British Government; on whose records it will go down to posterity, as a solitary emblem of the effect of British justice, of British influence, and of the extent of British power, when regulated by principles of humanity and moderation.

I shall not enter at any length into a refutation of that most absurd statement, that I had sent the Pargiote Emigrants to inhabit a barren Island of small dimensions, and on which no water was to be found, for such is the fanciful description given of the Island of Meganizzi; though, in fact, it was fully adequate, in every point of view, to the accommodation of a Population greater than that of Parga, and possessed 2 Roadsteads or Harbours capable of containing a number of Men-of-War.

It is true that it did at one time occur to me that this Island would have been a desirable residence for them in many respects; which opinion I still entertain, and I even suggested this to your Lordship. But, reflecting on the character of this People, and on the necessity of interfering in the division of the Indemnity, in order to have placed such an establishment in its first state of activity; aware too of the jealous and suspicious nature of the Pargiotes in all cases where their interests are concerned, I judged it expedient to abandon this plan altogether. I thought it more advisable to pay into their own hands the whole of the money with the least possible delay; settling with the Ionian Government that they should be at once, by an Act of the Legislature of those States, acknowledged as naturalized Subjects, and allowing them, at the same time, permission to settle in any of the Seven Islands, without further restriction on their perfect free agency than the obligation imposed upon each Individual, after he had made his choice, to declare it to the Local Government of that Island in which he had resolved to reside.

Independent of all this, other offers have been made to this People, all evincing the deep interest His Majesty's Government has throughout felt for their present comfort, and their ultimate permanent benefit, and their advantage.

Before I finally close this vindiction, it may be useful to consider the amount of the Indemnity received by the Pargiotes, in comparison with that received by any other People in a similar situation, even by Countrymen of our own, to whom we were pledged by every tie and every bond that ancient attachment and connection could enforce. Give me leave to ask, recurring no further back, (for the later examples are the best upon the subject,) what was the conduct we pursued, and what was the remuneration we granted, to the numerous body of those, who, having followed our fortunes during the course of the rebellion in America, were left at the Treaty of Peace, if I am not mistaken, without a provision of any kind?

My Lord, I think it will be found, that when the Claims of those suffering Loyalists were settled by Parliament, though some few, out of compassion for the princely possessions which they had lost, received a tolerably ample provision; yet, if my memory be correct, for I have no history of those times before me, there was a multitude of Persons whose small properties, swept away by the issue of that disastrous Contest, could no longer be submitted to any valuation, and who consequently were left without any remuneration, and many others too, whose Indemnity was restricted to the offer of waste lands in Canada, in exchange for the fertile and cultivated regions which had been transmitted to them by their forefathers.

If this be not all romance, I should be happy to hear what similarity there is between the conduct of His Majesty's Government on the present occasion, and that to which I allude? The doling out, even of the partial aid we ultimately gave them, was delayed for 3 or 4 years.

In the present instance, the whole of the property, great and small, was valued; the full amount of the valuation (considering it on any rational scale,) has been finally adjusted and paid to the Claimants, within 3 months from the earliest period when it was possible to do it. The Indemnity and its issues, have passed into the history of transactions finally closed, and all that can be traced of it here, (except a most minute portion still to be divided,) consists in a Report of the Commission which superintended the distribution, and a bundle of Accounts connected with it.

If we look at the Provisions of the Treaty of Amiens, I should be glad to see what Stipulations were made in favour of the Proprietors of any of the French West India Islands we then ceded. I should be glad to know in what way we interfered to secure either the persons or the properties of the numerous French Landholders, who had adhered to their Sovereign or his Cause, from the effects, either of the tyranny of Bonaparte, or of the destructive animosity which then raged against all Persons of that description.

Your Lordship must be aware, that in no instance within your

memory, and as far as I can recollect, in no instance in the history of the World, was there ever a Negotiation entered upon, and carried through on the same principle and with the same spirit with which the train of Negotiation respecting Parga was uniformly marked. I need not state to your Lordship, that the invariable line of conduct, in all cessions, at every Peace, observed by the civilized Powers of Europe, has been to settle a term within which those who either belonged or were attached to the ceding Power, had a right to dispose of their property ; neither is your Lordship to learn, that in the strict observation of this rule, the loss, on all such occasions, to Individuals, must have been most heavy.

But, on the subject of the Cession of Parga, I do, and must maintain, till I am convinced by something more than I have hitherto seen, or am hitherto aware of, that the securing for the People of that State, the payment of the absolute value of the property which they relinquished, and that, too, within the short period of 4 months, in which all their litigations and conflicting titles and claims of great variety and complexity were adjusted, is a most extraordinary instance of the justice and liberality of Great Britain, of the principles on which she acts, and that it presents a most splendid monument for the instruction of other Nations, for generous considerations for those who suffered particular inconvenience or loss, when extensive operations of state policy cast them into those vast scales, in which are to be balanced and finally adjusted, the repose, the happiness, and prosperity, of the World.

I have the honour to be, &c.

Earl Bathurst, K. G.

T. MAITLAND.

(Enclosure 1.)—*Sir Thomas Maitland to Lieutenant Colonel de Bosset.*
SIR,

Corfu, 24th March, 1817.

COLONEL Hankey submitted to me this day the Letter he had received from you relative to the state of Parga, as you found it.

That state is exactly what I supposed it to be, and which led me to order you to go there with the reinforcement, in order to prevent those very accidents which you say the vicious part of the Community there contemplate.

The stores you wish for are sent by this conveyance ; and I have arranged with Colonel Robinson that you shall at all times have a Boat ready to send off to this place on any emergency.

It is a subject to me of deep concern, that I cannot quiet the minds of the People of Parga by a Proclamation relative to what is likely to happen to them ; for the truth is, that His Majesty's Despatches to me upon this subject have miscarried, and I can only infer what is the real intention of His Majesty's Government from certain Despatches I have received from Constantinople, from Mr. Frere.

With a view, however, to place the thing upon its fair and true

grounds, which is the only footing on which we can stand, I now enclose you, (with an understanding that it may be modified on one side viz. more in the favour of the Pargiotes, but certainly not more against them,) the following Declaration, and which you will show to the principal Persons in Parga.

1st. I entertain no doubt of any kind, that His Majesty, connected with the Treaty that took place at Paris on the 5th November, 1815, and possibly on grounds of which I am not apprized, has come into an agreement that the City and District of Parga is, within a limited period, to be ceded to the Porte.

2d. I think I am fully authorized to state, (indeed I have no doubt upon the occasion,) that, antecedent to such cession, all the Inhabitants of the District of Parga, who may wish to emigrate, shall receive an equivalent for their houses and property, and be transported to the Ionian States, without any expense to them.

3d. You may assure all the Persons in Parga from me, that, till these objects are attained, no cession of the Place shall take place.

4th. I think it can hardly occur, but you must impress upon the minds of the Inhabitants of Parga in the deepest manner, that if, whilst we are stretching a point to obtain for them not only the release of such Persons as may wish to emigrate, but also the value of their property, they should presume by violence and bloodshed to take the smallest relief into their own hands, their fate must then be left to themselves, and that I shall consider His Majesty's Government as perfectly relieved from that necessity, which at present exists of interfering in their favour, not more for their advantage, than for the honour and character of the British Government.

I have the honour to be, &c.

Lieutenant Colonel De Bosset,

T. MAITLAND.

Civil and Military Commandant at Parga.

(Enclosure 2.)—*Sir Thomas Maitland to Lieut. Colonel De Bosset.*
SIR, *Corfu, 2nd April, 1817.*

I HAVE received your Letter of the 31st March, relative to certain movements in the Vizier's Country; and, in consequence, requesting to have from me Instructions in the event of his sending a Military Force into the Territory of Parga.

In the first place you will permit me to say, that, whatever appearances may indicate, I can hardly conceive it possible that the Vizier can have any real hostile intentions; for, knowing as he perfectly does, that the British Government is come to the positive decision to cede Parga to the Porte, under certain conditions, it does not seem to me to be in the smallest degree probable, that he would hazard embarking himself and the Porte in the consequences of an hostile aggression

against Great Britain, when he must be aware, that, with a little time and patience, he will attain the object he has so long had in view, without resorting to such a measure.

I therefore own my opinion to be, that however accurate your information is, relative to these movements, I conceive them to be solely made, not in the view of hostility, but, in order, according to their absurd principles, by such demonstration, they think to force us to give up Parga within a shorter period than can be done, with a due regard to the maintenance of the rights of the People in that Place, and what I believe to be His Majesty's decision upon the occasion.

As, however, you ask for Instructions, in respect to an event which, though I conceive to be extremely improbable, yet undoubtedly it is always to be kept in view, I can only say, that if the Vizier presumes to enter the Territory of Parga, to take possession thereof with an armed Force, you must, in the first place, represent the indignity and insult offered to the British Government by such conduct; and if that has no effect, you have, in that case, my full authority to repel such aggression, by driving any such Force from the Pargiote Territory; but to the doing which you are solely to limit any military operation.

When I say this, however, you will perfectly understand that nothing but absolute necessity is to warrant you to proceed to extremities on the occasion. You are too well aware of the character of the Turkish Government, not to know that much may be done through wantonness and a mistaken zeal, which is neither intended nor meant by the Porte; and I cannot recommend too strongly to you to act with the most extreme caution upon this subject, stating the fact to whoever may command, in the plainest and simplest terms, and that you do not upon any grounds commence positive hostility, till you either have it in writing from the head of the Party so employed, or that species of conviction to bear you out upon the occasion, that it is the real intention of the Porte to force us into hostility, and not, (what I suspect to be the case,) a mere intention to see whether we may not be bullied by a tricking demonstration into a premature cession of Parga and its Territory.

I rather suspect you will find upon enquiry that there has been for a considerable time a difference in regard to the ascertained Boundary of the Pargiote Territory; and should this be the case, you are upon no consideration to enter into any measure of hostility in regard to the portion of Territory so contended for. In short, the only footing on which you can repel any act of hostility, consonant with the amicable relations at present subsisting between the Porte and Great Britain, and on which you can alone be warranted to make any hostile attack, is the plea of necessity, and you must be able to show 2 things upon the occasion,—

First.—That you had attempted in every possible manner to get

redress for the insult offered to Great Britain, in consequence of any hostile aggression which may have taken place.

Second.—That all representation being of no avail, you are forced to adopt the measure of repelling the hostility offered, not less with a view to support the Negotiation now carrying on relative to Parga, than with the object to maintain the honour and dignity of the British Government.

When I say all this, however, you must clearly understand, that nothing can be more at variance with my feelings, and I am convinced more discordant to those of His Majesty's Government, than, under any circumstances, even of considerable provocation, embarking in hostility upon this subject.

Indeed I do not think there is any chance of either the Agent of the Porte or Ali Pasha proceeding to such extremity : I therefore have to recommend to you the extreme of forbearance on the subject ; at the same time that it is absolutely necessary the honour and character of the Country should not suffer for any undue regard to that accommodation, though it is the first in the minds both of His Majesty's Government and of myself, not to embark, without the most obvious necessity, into any hostile act against the power of the Divan.

In your Letters, you always mention to me the Vizier, but upon the present occasion, however much we may be aware that to him ultimately Parga will fall, still the Commissioner for the Porte is the only Person with whom we can treat officially in regard to it ; and though it is necessary that I in Corfu, should endeavour to keep Ali Pasha in good humour, you at Parga must never mention his name, but always that of the Commissioner nominated by the Porte, viz. Hamed Bey.

I have the honour to be, &c.

Lieutenant Colonel De Bosset.

T. MAITLAND.

P. S. I hardly think any thing can take place that will force you to act without first applying to me here, and this you are always to keep in view. In short, nothing but the most indispensable necessity, and the grossest outrage, can warrant your repelling at once, without such application, any attempt that may be made.

(Enclosure 3.)—Dr. Jacques Calichioputo Manzaro to Sir Thomas Maitland.

MILORD,

Corfou, le 20 Novembre, 1819.

VOTRE Excellence me prescrit de rendre mon opinion, basée sur des Loix Municipales, de statut, ou de pratique, sur deux questions : savoir,

1. Quelle différence y avoit-il avant le Traité de 1800, entre la valeur des terres situées à Parga, et les terres situées dans l'île de Corfou ?

2. Quelle déduction fait-on sur le montant d'une évaluation faite d'une terre quand le paiement doit se faire en argent comptant ?

J'ai l'honneur, quant à la première, de soumettre à votre Excellence, qu'avant le Traité de 1800, la valeur des terres situées à Parga en comparaison de la valeur des terres situées dans l'Ile de Corfou, venoit censée communément et fermement un tiers moins ; c'est-à-dire, que si on avoit à Parga des terres estimées selon la règle et le calcul de Corfou, pour 3,000 ducats, par exemple, monnoie de ce Pays-ci, on pourroit compter, étant ces terres situées à Parga, et non à Corfou, de posséder seulement 2,000 ducats de terres, et que si ces mêmes terres étoient à Corfou, elles ne perdroyent rien de leur valeur réelle évaluées de même.

Cette opinion que je donne est basée sur ce que, comme il y a des statuts généraux pour régler sur la nature des choses et des besoins, la valeur de chaque chose, il y a aussi des Statuts particuliers pour fixer et distinguer la valeur de chaque objet en particulier.

Les terres, ainsi que tous les biens immeubles, se règlent selon la loi ou le statut de leur situation, par un principe ainsi reçu, qu'il passe en loi de pratique, dont l'existence et l'invariabilité est prouvée démonstrativement par la pratique même.

Or, avant le Traité de 1800, le rapport de la situation entre les terres de Corfou, et celles de Parga, étoit comme de 3 à 2, et la différence en conséquence entre une valeur et autre, étoit d'un tiers ; c'est-à-dire, que les terres situées à Parga valant réellement, comme elles devoient valoir si elles étoient à Corfou, le possesseur Parganiote ne pouvoit calculer que sur les deux tiers de cette valeur à cause de leur situation.

Cette vérité de fait étoit appuyée sur plusieurs Loix Vénitiennes, portées dans le Code nommé "*lo Statuto Veneto*," relatives aux biens situés dans les Communes acquéris par la voie de conquête ; et qui, tâchant d'empêcher les usurpations, montroient le péril qui menaçoit ces biens. Parga a été une des dernières conquêtes faites par les Vénitiens sur les Turcs ; son territoire étoit bien limitrophe aux Etats Ottomans ; et ces Loix étoient en vigueur avant le Traité de 1800.

Quant à la seconde question, j'ai l'honneur de soumettre à votre Excellence, qu'ici, d'une époque bien reculée, on a fait toujours, et l'on fait déduction de la quatrième partie du montant d'une évaluation faite d'une terre lorsqu'elle s'achète en échange d'argent comptant, ou qui se reçoive en paiement d'un capital d'argent comptant ; c'est-à-dire, le propriétaire qui vient de vendre une terre de la valeur de 100 ducats, reçoit son paiement juste et légitime de la part de l'acheteur, en recevant pour cette terre la somme en argent comptant de 75 ducats, déduction faite en faveur de l'acheteur du 25 pour cent, bénéfice croissant d'autant plus en légitimité pour l'acheteur d'un bien fort en valeur, en raison du plus grand déboursement qu'il feroit, et qui

rendroit le vendeur en conséquence, maître d'une grande somme d'argent comptant.

Cette déduction se pratique et s'observe constamment à Corfou suivant plusieurs Ordonnances et Réglemens municipaux, basés sur une Loi Municipale datée de 1814, et signée par les Provéditeurs et Inquisiteurs Généraux Vénitiens dans le Levant.

J'ai l'honneur d'être, &c.

JACQUES CALICHIOPUTO MANZARO,

Avocat Général des Etats Unis des Iles Ioniennes, &c. &c.

S. E. Sir Thomas Maitland, G. C. B.

(Enclosure 4.)—*Observations of the Ionian Commissioner, Count Lando.*
Corfou, ce 19 Novembre, 1819.

OBSERVATIONS du Soussigné Comte Antoine Lando, seul natif Ionien entre les Membres de la Commission, spécialement nommée pour faire la distribution de l'Indemnité aux habitans qui ont abandonné Parga, par rapport à la nature et au montant de l'Indemnité qu'ils reçurent comme l'équivalent de leurs propriétés respectives et qui leur fut donné en argent comptant.

1. La valeur des maisons et des terrains dépend naturellement de leur situation locale, mais plutôt du degré de sûreté civile et politique du territoire sur lequel ils existent.

2. L'on a toujours considéré toute propriété dans Parga, comme précaire et éphémère, vu, qu'elle se trouve sur le Continent Turc, et qu'elle touche au Gouvernement du Visir Ali Paschia, qu'il l'a toujours regardé avec un œil avide, et qui a même souvent menacé de l'envahir. Cette place n'ayant jamais été placée par un Traité sous la protection de quelque Puissance, qui fut capable de la défendre des Turcs, ses habitans devoient s'attendre avec raison d'être obligés un jour ou l'autre à abandonner leurs propriétés, et à perdre tout ce qu'ils possédoient. Et en effet ce n'est qu'à la générosité volontaire de la Nation Britannique, qu'ils sont redevables d'avoir obtenu l'équivalent de leurs propriétés dans cette occasion.

3. Les Estimateurs, qui ont évalué les propriétés des habitans de Parga étoient des nobles Citoyens de Corfou, entre lesquels il y avoit l'Architecte civil, et l'Arpenteur public. Et ceux-ci suivant leurs instructions, comme plus en rapport avec leur expérience, reçurent l'ordre d'évaluer toutes les propriétés de Parga de toute espèce, comme si elles étoient situées dans la Ville et l'Ile de Corfou.

4. Du tems du Gouvernement Vénitien, jusqu'au moment du Traité de l'année 1800, l'on a toujours considéré les propriétés à Parga d'une valeur inférieure, en comparaison des propriétés à Corfou, ou dans quelques autres des grandes Iles des Etats Ioniens, et cela à cause de l'état précaire de ces propriétés, comme le Soussigné a dit plus haut.

5. La valeur des propriétés à Parga s'abaissa naturellement beau-

coup, lorsque par le Traité de Paris de l'année 1815, qui plaça les Iles Ioniennes sous la protection exclusive du Gouvernement de la Grande Bretagne, l'on ne fit nulle mention de Parga, et l'on ne fixa dans aucune manière la destinée de cette place.

6. Sous le Gouvernement Vénitien, et avant le Traité de l'année 1800, la différence établie par l'usage de Corfou entre la valeur des biens situés à Parga et ceux de Corfou, fut un tiers du moins. Et cet usage a été, et doit être toujours, considéré comme très favorable pour les biens de Parga et très avantageux pour les habitans de Parga.

7. Il y a l'usage basé même sur la Loi dans l'Ile de Corfou de faire une diminution du quart, ou de 25 pour cent, entre l'estimation faite d'une terre, et l'argent comptant.

8. L'on doit en conséquence déduire de l'évaluation faite par les nobles Citoyens de Corfou, la différence d'un tiers dans l'évaluation des propriétés entre Parga et Corfou; et il faut déduire aussi de ce nouveau produit le 25 pour cent, sur le montant total payé en argent comptant, ainsi il faut faire une diminution sur la dite évaluation de presque 50 pour cent.

9. L'évaluation faite par les Citoyens de Corfou arrive à 1,200,000 tallaris.

10. Le Visir Ali Paschia faisant l'acquisition des propriétés de Parga, a obtenu une réduction de l'évaluation faite par les Corfiotes de presque 46 pour cent, et en conséquence les propriétaires de Parga eurent un profit par la Négociation faite en leur faveur, et reçurent plus de ce que leurs propriétés réellement valent.

11. Les habitans de Parga auroient pu rester à Parga sous le Traité de Joannina, et continuer ainsi à posséder leurs biens, mais ils ne purent se décider à prendre ce parti, d'après l'exemple de Prevesa, Vonizza, et Bucintro.

12. Lorsqu'on acquiert des propriétés d'une grande étendue, comme il est arrivé dans ce cas, l'on facilite les moyens de les acheter à un bas prix; mais dans cette circonstance le Gouvernement Turc fut obligé d'acheter les propriétés en question, payant ce qui fut fixé par une évaluation faite, par des Estimateurs, dans le nombre desquels il n'y avoit aucun de son côté.

13. Les évaluations sont généralement faites par des Estimateurs choisis par la partie qui achète et celui qui vend, et en cas qu'il arrive quelque contestation l'on appelle une troisième personne pour arranger la question.

14. L'évaluation des Estimateurs Turcs fut faite en piastres, calculant les piastres au prix courant à Joannina, ce qui forma la somme de 252,250 tallaris. Le Visir paya donc plus que $\frac{3}{5}$ davantage sur l'évaluation faite par ses propres Estimateurs.

15. Les Parganiotes ont acquis, d'après la Cession de Parga, par la sanction de l'Assemblée Législative des Etats Unis des Iles Ioniennes,

les droits de Citoyens des dits Etats, avec l'autorisation de choisir pour leur résidence celle des Sept Iles qui leur convenoit d'avantage. D'après cette mesure, les Parganiotes fixèrent leurs demeures dans des endroits, où il y a une disette d'argent comptant, et où ils peuvent en conséquence placer leur argent à grand profit, faisant l'acquisition des terres dans les Etats Unis des Iles Ioniennes, qui sont placés pour toujours sous la protection et la défense du bras puissant d'une des premières Nations de l'Europe, c'est-à-dire, de la Grande Bretagne, Maîtresse des Mers, qui conservera et protégera à jamais ces Iles heureuses, de toutes les vicissitudes continuelles auxquelles elles ont été autrefois exposées.

Le Soussigné, qui a eu l'honneur d'être un des Membres de la Commission, que son Excellence le Lord Haut Commissaire a instituée, pour liquider et régler la distribution de l'Indemnité dû aux Parganiotes, et pour définir entièrement avec soin et attention toutes leurs affaires, a eu l'occasion de se convaincre par pratique de la vérité de tout ce qu'il expose dans ce Rapport.

ANTOINE COMTE LANDO, du défunt *Comte Michel*.

No. 3.—*Sir Thomas Maitland to Henry Goulburn, Esq.*

(Extract.)

Corfu, 25th November, 1819.

IN one part of the Despatches to Earl Bathurst on the subject of the Cession of Parga, you will observe, that I say, "besides all that has been done in favour of the Pargiote Emigrants, other offers to their advantage have been made, evincing the deep interest His Majesty's Government took in their fate; but that I had my doubts whether their hopes had not been raised to such a pitch by the interference of their supposed friends in England, that they would reject them all."

This alludes to a Communication formally made to the Pargiotes by the Commission which superintended the distribution of the Indemnity, and which was in effect the same as Sir Frederick Adam intimated to them, in consequence of my Letter to him from London, dated the 3rd August, of which you are well aware.

I send you this Proposition at length, and the Procès Verbal of the Commission; and I also send the Procès Verbal of the Commission of the day the Pargiotes gave in their Answer, with a Copy of that Answer.

Henry Goulburn, Esq.

T. MAITLAND.

(Enclosure 1.)—*The Commissioners of Liquidation to the Pargiote Emigrants.*

THE Commissioners charged with the adjustment and distribution of the Indemnity to the Emigrant Pargiotes, are requested to state to those whom it may concern, that the last division of the sum remaining due to them will be forthwith paid off; and that, as a singular mark of

favour, neither the freight upon the money, as stated in the former Instructions, nor the expenses of the Commission, or valuation, will be charged against them, but they will receive the total amount of 633,000 dollars, being the sum stipulated as the value of the property they have abandoned.

The Commissioners will further explain, that it is the disposition of His Majesty's Government to grant them every facility compatible with the situation of this Country, to enable them to settle together therein, if that is their wish.

To this end, His Majesty's Government will, as Protector of these States, urge to the Senate the propriety of giving to the Pargiotes a grant of unoccupied Government Land. The Government will likewise be at the expense of erecting a Church, and such other Public Buildings as may be necessary for general use, as a Town-hall, Market, &c.; and, finally, it will grant them any accommodation compatible with its original determination, to render their situation (already more secure) in all points preferable to that they had at Parga.

But, at the same time that the Commissioners make this statement, they are directed also particularly to inform the Pargiotes, that if they flatter themselves they are to receive a larger Indemnity than what has already been paid, they are totally mistaken; and that when they have received this, their account will be considered as finally closed and settled.

FRED. HANKEY,

Secretary of the Lord High Commissioner.

(Enclosure 2.)—*Procès Verbal of the Sitting of the Commission.*

Corfu, 23rd November, 1819. (Translation.)

THE Commission, composed of the President and Antonio Count Lando, (Mr. Baynes being absent on public service,) assembled in the Hall of the Supreme Council of Justice, at 10 o'clock this morning, and, having opened the Sitting, the Reverend Protopapa Giorgio Dimulizza, and several other Primates of the Pargiote Emigrants, who had been requested to meet the Commission, by means of the Notification of the 16th November, published by order of his Excellency the Lord High Commissioner, appeared before the Commission; upon which, the Commissioners stated to them the contents of the Instructions received from his Excellency the Lord High Commissioner, viz. that the British Government had determined to pay the freight of the money constituting their Indemnity, together with the expenses of the valuation, and of the present Commission; and that the amount of 1 per cent. on their respective portions, retained for the purpose of answering those charges, was to be distributed amongst them. The Commission likewise communicated the offer made to them by his Excellency, of inducing the Government of these States to grant them a tract of land [1819—20.]

in this Island for their Establishment, and to erect them a Church and other Public Buildings thereon.

Signor Giorgio Vassila answered, in the name of all the other Primates who were present, that, as this subject regarded the whole Population of the Emigrant Pargiotes, but few of whom were present, it was necessary to communicate the same to them; he therefore requested to be allowed a reasonable time for that purpose, and to bring their Answer to the Commission; and at the same time he begged leave to assure the Commission, that his Countrymen were fully sensible of the generous interest which the British Government had taken in their favour, and for their preservation; and that they reposed all their hopes in that Government, and in his Excellency the Lord High Commissioner, not doubting but that they should receive every comfort and assistance.

The Commission granted them till Thursday next, the 25th instant, to bring their Answer to the Propositions made to them, and closed the Sitting, having adjourned the Meeting until Thursday aforesaid.

ROBERT FORREST, *President.*

ANTO. COUNT LANDO, *Member of the Commission.*

(*Enclosure 3.*)—*Procès Verbal of the Sitting of the Commission.*

Corfu, 25th November, 1819. (Translation.)

THE Commission, composed of the President and Count Lando, (Mr. Baynes being absent on public service,) assembled in the Hall of the Supreme Council of Justice, at 10 o'clock this morning, and having opened the Sitting, revised and approved the *Procès Verbal* of Tuesday last, 23rd instant.

Afterwards appeared the Reverend Protopapa Giorgio Dimulizza, and Signor Giorgio Vassila Brisoli, together with several other Primates of the Emigrant Pargiotes, who stated that they had communicated to the rest of their Countrymen the offers made them by this Commission, on the part and in the name of his Excellency the Lord High Commissioner, and that all the Pargiotes had unanimously agreed to give the Answer in writing, which the said Vassila begged permission to read, and it was granted him by the Commission. After the aforesaid Answer had been read and considered by the Commission, the Pargiotes were told, that notice would be given them when the distribution of the remaining 1 per cent. would take place.

The Pargiote Primates answered, that, under the title of a final payment, they declined accepting the money; on which the Commission requested them to put this their declaration into writing, which they accordingly did at the foot of the above-mentioned Paper.

The Commission determined to submit the whole to the Lord High Commissioner for his consideration, and closed the Sitting.

ROBERT FORREST, *President.*

ANTO. COUNT LANDO, *Member of the Commission.*

(Enclosure 4.)—*The Pargiote Emigrants to the Commissioners.*

Answer given on the part of the Pargiote Emigrants to the Proposition made to them by the Commission, by order of his Excellency the Lord High Commissioner, to pay them the remaining 1 per cent. of their Indemnity, and to procure them a Grant of Land from the Ionian Government. (Translation.)

MOST ILLUSTRIOUS COMMISSION, *Corfu, 25th November, 1819.*

THOSE Pargiotes who, under the present circumstances, happen to be in this Island, feel themselves very much mortified, in understanding that an addition of 1 per cent. is offered them as the final payment of the value of their property abandoned in their Country, and that all further hope is to be considered vain.

The honourable Commission will pardon them if they humbly submit, that such an addition is so very small as to leave the Pargiotes wretched and miserable; but their confidence in the magnanimity, generosity, and justice of Great Britain, was and is engraven in their hearts.

Hope is the sole comfort of the unhappy; and the Pargiotes feel fully convinced of the generous intentions of His Majesty's Government, in proposing to the Senate of these States to make them a Grant of Land in order to form a new Establishment, in case their circumstances should induce them to wish it.

They further trust, that every other possible facility would be afforded them; but the great difficulty in obtaining such an advantage, consists in the actual want of the necessary means for that purpose, arising from the deficiency of the full value of their respective possessions, and from the loss of all the property belonging to the Municipality, and to the Churches, from which the Community derived considerable advantage.

By the powerful arm of His Majesty alone, seconded by his inclination, this difficulty can be resolved; this being the only mean of obtaining the completion of their wishes, and at the same time the execution of His Majesty's generous, paternal, and beneficent intentions, which have been communicated to them.

GIORGIO DIMULIZZA, *Protopapa,*
and 9 Primates.

Upon request,

It is declared that the Pargiotes do not accept of the 1 per cent. which it has been declared to them will be the final payment of the value of their property abandoned in their Country, as has been said above.

2 of the Primates.

No. 4.—*Sir Thomas Maitland to Earl Bathurst.*

MY LORD,

Corfu, 9th December, 1819.

I HAVE forwarded by Sir Frederick Adam, a duplicate of my Letter of the 25th November, to Mr. Goulburn, in regard to what had passed

between the Commissioners, (to whom had been intrusted the distribution of the Parga Indemnity,) and the Emigrant Inhabitants of that Place.

It is now my duty to send your Lordship Copy of the Letter I addressed to the Commissioner, after the Pargiotes had refused the liberal offer that had been made them, and which I had prevailed on the Ionian Government to make good, as it was concerned in this affair.

The Commission assembled the Pargiotes 2 days ago, and your Lordship will see the Procès Verbal on the occasion, enclosed.

It is necessary I should explain to your Lordship, what is the exact case in regard to the 1 per cent. mentioned in the Procès Verbal, and which now remains in our hands.

When the Vizier, Ali Pasha, paid the amount of the Indemnity at Prevesa, he stated that the valuation Statement had been drawn out on a wrong principle; viz. that lands belonging to the Churches had been included in the valuation of property belonging to Individuals, and that the value of these lands therefore ought to be deducted from the valuation which had been made. I was perfectly aware how this matter stood at the moment; but to avoid entering into discussion upon it with him at Prevesa, to which there never would have been an end, I made a Convention with him,—that the money should not be paid away for 2 months to the Claimants; that a Commission should be established to superintend the whole business, before which he might bring any Claims he might have; and that they should be decided by the same Commission.

The Vizier in consequence did prefer various Claims, the whole of which were negatived, and the division took place; but the Commission retained 1 per cent. to cover several charges, which it judged the Indemnity ought to bear, such as the freight of the money, the pay of the Corfiote Valuers of the Parga Property, and the expenses of the Commission itself, which had a great deal of business to transact.

I judged it, however, expedient to set aside this reservation of the 1 per cent. on the part of the Commission, and desired it to be distributed among the Pargiotes, leaving the British Government to pay the expenses above mentioned. And when I made my last proposal to the Pargiotes, this project formed part of it; but they, as your Lordship will see by the Enclosure, refused to accept of it, on the ground that it might prejudice their Claims, which it seems they still entertain, and I believe mean to prefer.

In this state of the case, you will observe, the Commission has notified to the Pargiotes that every thing is finally closed, and there the matter will rest, unless I should receive from your Lordship further Instructions.

I beg to call your Lordship's attention to what fell from the Pargiotes, as stated in the Procès Verbal at the Meeting, when my Letter was

read to them. They say, they trust to the British Government to see that they receive the full value of the property they have abandoned, or to reinstate them in that property itself, by restoring them to their Country.

I can assure your Lordship, that this language does not in the least surprise me, after the misrepresentations which have gone forth on the subject, and the manner they have been misled by Persons, who, intending to be their Friends, will, in fact, prove their Enemies, from the total ignorance of the nature and character of the Persons in whose favour they wished to interfere.

For my own part, I beg to refer your Lordship to my Despatch of the 24th of November last, in order to prove that the full value of the property at Parga has been already fairly paid to each Proprietor; and therefore, under all the circumstances, I certainly am of opinion, that on any plea of justice, humanity, consideration, or policy, there need nothing further to be done. Although, at the same time, I am too well aware of the wish of His Majesty's Government, and of your Lordship's disposition in particular, not to be ready (as I shall at all times be) to pay the Pargiotes every attention I can; and also, should they come down from their present flighty ideas, to any thing like a reasonable view of their own case, to do every thing to assist them in my power.

I have, &c.

Earl Bathurst, K. G.

T. MAITLAND.

(Enclosure 1.)—*Sir Thomas Maitland to the Parga Commissioners.*
GENTLEMEN, Corfu, 30th November, 1819.

I HAVE received the Procès Verbal of the Commission of the 25th instant, together with the Answer of the Pargiotes to the offer you made to them by my order, which I have read with astonishment, and at the same time with deep regret.

That Proposition was an instance of extensive liberality, gratuitous, under all the circumstances, to a degree without a parallel; whilst the rejection of it can only be ascribed to the fostering, on the part of the Pargiotes, pretensions destitute of every foundation.

They seem to consider it as an offer, in lieu of something which had been retained to which they had a right, and on which they set a higher value than any thing that probably (in their opinion) would accrue to them from the proposal; whilst the British Government intended it as a bountiful addition to the full value of their properties, abandoned on the Cession of a Place which could not have been retained by Great Britain, without a departure from those fixed principles of equity and justice which ever form the rule of her conduct.

But it cannot be necessary for me to enter into any vindication, in respect to the treatment the Pargiotes have received, with the Members of the Commission, for they must have had an opportunity of thoroughly

convincing themselves that the sums paid to the Parga Emigrants, as the Indemnity for their respective properties, have been fully adequate to their real value, not if brought to a forced sale, but even had they remained under the protection of the British Flag, and enjoyed every facility in effecting the disposal of them.

I am equally persuaded the Commission must have observed, from the nature of the Instructions it received, my anxiety to protect the Indemnity from being reduced in amount by Claims not fully proved and established, and which led to the rejection of many of them, to a considerable extent, advanced by the Agent of the Vizier Ali Pasha on the score of property belonging to the Churches, which it was stated had been included in the valuation of property belonging to Individuals.

I fear, however, the perverted minds of these People, misled as they have been by circumstances to which I shall not here allude, render all hope vain that they will ever now take a fair view of their own situation.

I therefore, after the rejection of this last and decisive interference of the British Government in their favour, can have nothing more to propose; and in regard to the 1 per cent. retained by the Commission to cover its expenses, those of the valuation, and of the freight of the money from Prevesa, I request you will tender to each who has any Claim upon it, his respective share; and the refusal to receive it, on the part of any Individual, must be taken in writing.

Should any part of this, however, remain in your hands, in consequence of any Person refusing to receive it, you will pay such amount into the Treasury of Government, from which will be immediately issued the sum requisite to defray the expenses above mentioned; and you will definitively close the Commission; explaining to the Pargiotes that you have received orders to that effect, and that no more offers of any kind will be made to them, nor any Claims attended to which they may hereafter prefer.

I have, &c.

Robert Forrest, Esq.

T. MAITLAND.

President of a Commission for distributing the Parga Indemnity.

(Enclosure 2.)—Procès Verbal of the Sitting of the Commission.

Corfu, 7th December, 1819. (Translation.)

THE Parga Commission, composed of the President and Signor Count Lando, (Mr. Baynes being absent on public service,) assembled this morning at 10 o'clock, in the Hall of the Supreme Council of Justice, agreeably to the orders of his Excellency the Lord High Commissioner to that effect. The sitting being opened, the Secretary read the Procès Verbal of the Commission of the 25th November last, which was approved of.

The President read a Letter directed to the Commission from his Excellency the Lord High Commissioner, of the 30th last, respecting the refusal of the Pargiotes of the offers made to them by the Commission, in the name of his Excellency the Lord High Commissioner; the Reverend Protopapa Giorgio Dimulizza, and several others, Primates of the Pargiotes, having been summoned, and being present, the said Letter was interpreted to them in the Greek Language, that they might be precisely informed of the sentiments of his Excellency.

After which Signor Georgio Vassila requested leave to address the Commission, in the name of all the Pargiotes, which was granted him. He then stated, that the Pargiotes were well persuaded, and convinced of the generous interest which the magnanimity of the British Government had taken in their favour, and of the endeavours made by his Excellency the Lord High Commissioner to protect them, and to obtain for them every benefit. Convinced as they were of the magnanimity of the British Nation, and the great sacrifices which she had often made in favour of other Countries which had come under her protection, they could not abandon the hope of obtaining, at some future period, either the opportunity of returning to their Native Country, or the full value of the property they have abandoned therein. That respecting the remaining 1 per cent. offered them, the Parties interested had signed a Paper, signifying their declining to receive it in the manner in which it was offered to them, that is to say, in the name and on the condition of a final payment for their property; which Paper he presented to the Commission.

The Commission again signified to them, in the most clear and decided manner, in conformity to his Excellency's Letter, that after the liberal offers which they had refused, they must not flatter themselves with obtaining any ulterior benefit, under the title of Indemnity, or on any other account whatsoever.

The Pargiotes having retired, the Commission, reflecting on their absolute and repeated refusal, not only to accept of the offers of a grant of land, for the purpose of forming an Establishment in this Island, but also to receive the 1 per cent. remaining of the amount of the Indemnity for their property abandoned in Parga; resolved, agreeably to the Instructions received from his Excellency on the subject, that the balance of the money existing at its disposal in the General Treasury of these States, amounting to 2,634 dollars 50 cents., be paid into the Government Treasury; and the Commission gave the necessary orders to that effect.

After which the Commission finally closed its proceedings.

ROBERT FORREST, *President.*

ANTONIO COUNT LANDO, *Member of the Commission.*

(*Enclosure 3.*)—*Paper presented by certain Pargiotes to the Commission.—7th December, 1819. (Translation.)*

WE, the Undersigned Pargiotes, having been informed of the Notification of the 2d of December, respectfully submit to this honourable Commission, that we do not accept of the 1 per cent., because it has been proposed to us as a final payment of our properties abandoned in our Native Country, as we stated to the Commission by means of our Primates, on the 25th of November last.

Corfu, 6th Dec. 1819.

(Signed by 246 Pargiotes.)

No. 5.—Sir Thomas Maitland to Earl Bathurst.

(Extract.)

Corfu, 27th March, 1820.

I RECEIVED 4 days ago your Lordship's Despatch of the 21st February, enclosing a Petition from a certain Person named Giorgio Maurogianni, in the name of the Pargiote People, the tenor of which does not astonish me, as it is exactly what I meet with every day, in every instance; that is to say, it is an unfounded statement, so far blended with a colouring of truth as to render it at least specious.

There are only a few points, and particularly on the Church Lands, on which you wish for further information. I shall now merely advert to one or two of those points, and then come to the material one, namely the Church Lands.

There is an attempt to show, by the present Petition, that I, in many instances, have deceived the Pargiotes; that I promised them one thing, and executed another; and it is not very obscurely hinted, that I have been accumulating money by the sacrifice of their interests.

Upon these subjects, generally, I have already had the honour to address your Lordship fully, and I shall not now enter into any recapitulation of what I have said.

It may, however, be well, because so is the fact, to apprize your Lordship of the grounds on which I did not fulfil one part of what I had held out to them, viz. that the whole Population should be transported from Parga to this Place at the expense of Government. All such conditions must have reference to the mode in which the Parties conduct themselves.

They had not only been frequently apprized, by Proclamation and otherwise, that they should be transported from Parga at the expense of Government, but I also sent Sir F. Adam to them, for the specific purpose of trying to persuade them to remain quiet, looking after their own properties, until Government should tell them it was time to move, and that it had provided means for their conveyance.

The advice and solicitations, however, of that respectable General Officer had no avail of any kind; and they left the Place contrary to my wish, and in the face of a Declaration that clearly explained to them

that it would be at their own expense, and that their so doing would be an evident proof of distrust in the British Government.

This occurred at least 2 or 3 weeks before the arrangements were completed, and brought upon us infinite inconvenience; and they now endeavour to set up this act of defiance to the local authority, as a ground for stating that we did not fulfil our engagements, when, in fact, they were the Parties who violated the mutual understanding which ought always to exist on such occasions.

Nor have I ever heard, until I read the Memorial, of any Claim having been set up on this ground by the Pargiotes, for they were well aware, that had it been brought forward here, the reply to it would have been unanswerable.

I have, however, the honour to assure your Lordship, that those who did remain in Parga till the proper period for their departure arrived, were all brought over here at the expense of Government.

I perceive, too, that in this Memorial there is an attempt to show that they could not decide on what they were to do, because the general Law of Naturalization forced them, as far as related to the Island of Corfu, to declare, within a month, in what Place they intended to take up their abode, and that they could come to no such decision, inasmuch as they did not know what money they were to receive.

This is not true. They might not know the exact day on which they were to receive the whole of their respective Claims, but all were apprized of the exact amount which each Person was to receive; and it was impossible, as your Lordship will easily conceive, to make a general arrangement, limiting the distribution to a day, or to do more than declare a reasonable period for the settlement of conflicting interests of all kinds.

As to what the Memorial mentions of deductions made from the £.150,000, I shall not enter into that point; but I request your Lordship to bear in mind, that the Pargiotes were offered to be relieved from all deduction for freight to the Navy, and the expenses of the Commission, &c. which, however, they chose to refuse.

I therefore directed the Commission to stop all further proceedings, to call the Pargiotes together a second time, and to take a separate refusal from each,—when they all declined the offer.

In regard, however, to the most material point in your Lordship's Despatch, viz. the Church Property, I must enter into some little detail explanatory of the Statement your Lordship will find enclosed, and which will also at once show your Lordship how far due attention has or has not been paid to every point connected with this subject.

The tenure of Church Lands at Parga, is as follows:—Property of this description arises from Individuals having left by Will for the benefit of any Church, either a sum of money to be vested in lands, or lands themselves, according to the tenure under which they were held at the

time they were bequeathed. None of these bequests, however, under any circumstances, give back the property to the family from which it originated; but all the lands, held under very old tenures, give certain rights to the vassals in possession of these lands, and your Lordship will perceive in the enclosed Statement, that these rights have been attended to and liquidated to a shilling, according to the valuation.

Every Proprietor had a free right to come forward with any individual Claim he had to prefer; and every one who did come forward, received the full amount of his valuation; but, most undoubtedly, as your Lordship will perceive by the accompanying Statement, no payment was made for Church Lands, beyond certain rights, which any Individual had to claim under their tenure, and I cannot conceive upon what grounds such payment could have been made.

They tell your Lordship, that it is private property; but what I have already mentioned must convince your Lordship that this assertion is unfounded.

What they really mean, however, is not to state that it is private property, but that it is property belonging to the Community at large. Supposing them to be right, and that they have such Claim, I should be glad to know how it was to be adjusted, and how this money, if granted, was to be divided. As well, in my opinion, might they have set up a claim for the ruinous walls of their Town, for the public buildings, such as they were, and for the waste lands not given in grants.

On all such occasions, however, particularly under circumstances where the British Government has taken so deep an interest, I apprehend the only mode of adjusting this matter was by taking a fair and equitable view of their situation, and manifesting a disposition to push a point in favour of the unfortunate; and this brings me to another part of your Lordship's Despatch, where you express a desire to know the exact nature of the grant, which, in this view of their situation, I was enabled to procure for them the offer of in this Country.

Upon this subject, I have no specific information to give your Lordship. The plan of their Settlement was never reduced into form, nor presented to the Senate; but I was perfectly authorized to state what I did to them, that they should have a good location of lands. The site which was selected was, as I am informed, one of the fittest in this Island; and of course due attention would have been paid in the progress of the thing to establish them comfortably in every way. It was specifically held out to them, that they should have erected for them all their Public Buildings, Churches, and a Market.

My efforts, however, failed, from their own impropriety of conduct, (arising from a quarter of which your Lordship is already aware;) and they now petition your Lordship in England for that which they have refused here, under circumstances insulting both to the Government and myself.

The real private history of all this is told in two words: It consists in a disinclination to me, because, when they first arrived here, I refused to allow of their *Primati* being any thing but Individuals of this community; and because I always stated, that though I was perfectly ready to grant them the lands, I would not allow an *imperium in imperio*, in these States, and that, therefore, wherever they settled, they must be placed in the exact situation in which other Villages of the Island were placed.

This last circumstance will also explain their complaint relative to Sir Frederick Hankey. Both he and I have been endeavouring to recollect upon what score this complaint could have been made; and I can only recollect having desired him to ask some of the *Primati* who came with a Petition, by what authority they made use of the name of the Parga Community on that occasion, and to inform them I would receive no such Petition signed by 2 or 3 Individuals, arrogating to themselves the right of speaking for the whole. Sir Frederick Hankey having so done, is, I apprehend, the ground of this complaint, as it now stands.

The Pargiotes have received, as I have shown your Lordship in my former Despatch, the fair and full value of their properties in cash, acknowledged to be so by themselves at the moment, from the joy they expressed at the fairness of the whole transaction. Every one of them had in his pocket a detailed Account (in form similar to that which is enclosed,) of the valuation of his proportion, and of the sum of money he was consequently to receive.

They were offered repeatedly by the Government here, after the full amount in any way due to each had been paid, not only to have a cession of lands made to them, but also to have erected for them, free of expense, their Public Buildings of every sort.

This they chose to refuse, and come now upon the King's Government with a specific Proposition, that they have been most unjustly dealt with throughout, and therefore put in a Claim to receive from His Majesty's Government that which, by His Majesty's Orders, had already been tendered to them in the fullest manner in these States.

Earl Bathurst, K. G.

T. MAITLAND.

(Enclosure.)—*Memorandum relative to the Church Lands of Parga.*

By a Notification from Colonel James Maitland, British Commissioner, issued at the time that the valuation of Parga commenced, it was ordered "That the *Church Property* of Parga should not be valued until further Instructions were received from his Excellency the Lord High Commissioner."

This Notification was intended to prevent the valuation of that part of the Property to which the Churches had direct right, exclusive of all *Private Claims* upon the same. In fact, there can be no doubt of the

intention of this Notification, nor of its having been properly understood by the Pargiotes, because the whole of the Property was taken into the valuation Statement, in order to ascertain the share belonging to the *Coloni*, or Cultivators, which was the only private claim that could be admitted, considering Parga as a State, and consequently its Religious Establishments as public, and the lands with which these were invested as belonging to the Sovereign. If, therefore, the Pargiotes thought they had any real title to the whole of these lands, then was their time for remonstrance.

From the accompanying extracts of the valuation of individual property, taken indiscriminately from the mass of them, it will be perceived, that all such shares of the Church Lands as were, according to Law, the private property of the Cultivators, were scrupulously excorporated, and placed to the credit of each separate Cultivator in his valuation sheet; and the payment of these shares was effected at the same time, upon the same ratio, and in the same manner, as that of the rest of their property.

The real value of the Church Lands therefore exists in these valuations, save and except that portion which the Pargiotes have illegally caused to be valued as their private property. And here it may not be superfluous to remark, that the Pargiotes took advantage of the ignorance in which the Valutors must naturally have been in regard to what were actually the Church Lands, and by declaring part of these to be their personal property, many have caused Church Lands to be included in their individual valuation sheets; and I am informed, that at this very moment, there are Cases lying before the Courts of this Island, between Pargiote and Pargiote, for the recovery of shares of these illegally appropriated lands.

Corfu, 25th March, 1820.

EDWARD S. BAYNES,
Member of the Commission for distributing the Parga Indemnity.

REPORT of the Secretary of the Treasury to Congress, relative to the condition of the Bank of The United States, and to the situation of the different Chartered Banks in the different States, and the District of Columbia, &c.—12th February, 1820.

SIR,

Treasury Department, 12th February, 1820.

IN obedience to a Resolution of the House of Representatives, passed on the 1st of March, 1819, directing "the Secretary of the Treasury to transmit to Congress, at an early period in the next Session, a General Statement of the condition of the Bank of The United

States, and its Offices, similar to the Return made to him by the Bank ; and a Statement exhibiting, as nearly as may be practicable, the amount of Capital invested in the different Chartered Banks in the several States, and the District of Columbia, the amount of Notes issued by those Banks and in circulation, the public and private Deposites in them, the amount of Loans and Discounts made by them and remaining unpaid, and the total quantity of Specie they possess ; and also to report such measures as, in his opinion, may be expedient to procure and retain a sufficient quantity of Gold and Silver Coin in The United States, or to supply a Circulating Medium, in place of Specie, adapted to the exigencies of the Country, and within the power of the Government : " I have the honour to submit the subjoined Report and Statements.

Statement A. exhibits the condition of the Bank of The United States and its Offices, on the 30th of September, 1819.

Statement B. exhibits the amount of Bank Capital, authorized by Law, during the Years 1814, 1815, 1816, and 1817. As this Statement is founded upon the applications made to the Treasury under the Acts imposing stamp duties, it is believed to be substantially correct. The average dividends upon which the stamp duty was paid, during those years, amounted to about $7\frac{1}{2}$ per cent. upon the nominal amount of capital ; it is, however, a matter of general notoriety, that the dividends upon Bank Capital, actually paid, exceeded that rate. If it is assumed, that the dividends declared, and upon which the duty was paid, amounted, during those years, to 10 per cent., then the capital actually paid, in the Year 1817, instead of being more than 125,000,000 dollars, as it is exhibited in Statement B, will be found to be about 94,000,000 ; but, when it is recollected that, after the first payment required by the Charters of the different Banks, they have generally gone into operation, it is probable that a considerable proportion of the remaining payments have added nothing to their active capital. This fact being assumed, and a deduction being made of the amount of permanent accommodation enjoyed by the Stockholders, in their respective Banks, the active Bank Capital of The United States may be fairly estimated at a sum not exceeding 75,000,000 dollars. That these deductions ought to be made, in an attempt to ascertain the real amount of Bank Capital, cannot, it is presumed, be contested. If a Stockholder, to the amount of 10,000 dollars, has a permanent accommodation, in the Bank, of 8,000, he has, in fact, but 2,000 of capital in the Bank. This is equally true, when a portion of his subscription has been paid with his own note, however well indorsed : so long as the note remains unpaid, it adds nothing to the real Capital of the Bank.

Such, it is believed, has been the process by which the Capital of most of the Banks has been formed, which have been incorporated

since the commencement of the late war. Since that period, Banks have been incorporated, not because there was capital seeking investment; not because the places where they were established had commerce and manufactures which required their fostering aid; but because men, without active capital, wanted the means of obtaining loans, which their standing in the Community would not command from Banks or Individuals having real capital and established credit. Hence, the multiplicity of Local Banks, scattered over the face of the Country, in particular parts of the Union; which, by the depreciation of their paper, have levied a tax upon the Communities, within the pale of their influence, exceeding the public contributions paid by them.

Statement C. presents the condition of the State Banks, from which Returns have been received, or have been transmitted by the Secretaries of State of different States, in conformity with the request of the Treasury Department. By comparing this Statement with Statement B, it will be perceived that it is very imperfect. Independently of the Banks which have been created since the Year 1817, it will be discovered, that Bank Capital to the amount of more than 18,000,000 dollars, comprehended in Statement B, is not embraced in it. As the amount of Bank Capital exhibited in Statement C. is 72,000,000, and its Specie 9,828,000, the whole specie possessed by the State Banks may be estimated at 12,250,000; if to this sum be added the specie in the possession of the Bank of The United States, and its Offices, the Specie Capital of all the Banks in The United States may be estimated at 15,500,000 dollars. There are no means of ascertaining, with any degree of precision, the amount of Specie in circulation; it is probable, however, that it does not exceed 4,500,000. Assuming this amount to be nearly correct, the whole metallic currency of the Union may be estimated at 20,000,000 dollars. Applying the same rule for ascertaining the circulation of the Banks, not embraced by Statement C, which has been employed to determine their specie, the whole amount of Bank Notes in circulation may be estimated at 46,000,000 dollars. It is probable, however, that this estimate is too high; as, according to the general practice of Banks, all Notes issued are considered in circulation, which are not in the possession of the Bank by which they were issued. A reasonable deduction being made from the Notes supposed to be in circulation, but which are, in fact, in the possession of other Banks, it is probable that the actual circulation, both of paper and specie, is less, at this time, than 45,000,000 dollars. By the same mode of calculation, the whole amount of Discounts may be estimated at 156,000,000 dollars.

The destruction or loss of the Returns made to the Treasury, before the Year 1816, by the Banks in which the public money was deposited, prevents any satisfactory comparison being drawn between their condition before and since that period. Comparative Statements, however,

have been received from 16 Banks in different parts of the Union, showing their situation on the 30th day of September, in the Years 1813, 1815, and 1819. By Statement D. it appears that those Banks, at the first period, with a capital of 6,903,262, and with 3,059,149 of specie in their vaults, circulated 6,845,344 of their Notes, and discounted to the amount of 12,990,975; at the second period, their capital was 8,852,371; specie 1,693,918; circulation 9,944,757; and discounts 15,727,218: and at the third period, their capital was 9,711,960; specie 1,726,065; circulation 4,259,234; and discounts 12,959,560.

By Statement B, already referred to, it has been shown, that, in the Year 1814, the nominal Bank Capital in The United States exceeded 80,000,000. It is understood, that a large addition was made to it, in that Year, in several of the States. If it be admitted that such addition amounted to 15,000,000, the Bank Capital in operation, in the Year 1813, may be stated at 65,000,000. Allowing to this capital the same amount of specie, circulation, and discounts, as was comparatively possessed by the Banks comprehended in statement D, the estimate will be, specie 28,000,000, circulation 62,000,000, and discounts 117,000,000. In 1815, the Bank Capital had increased to 88,000,000; whilst, upon the same principle of calculation, the specie would have been estimated at 16,500,000, circulation at 99,000,000, and discounts at 150,000,000. Applying this principle to the 125,000,000 of Bank Capital in operation during the Year 1819, the specie possessed by all the Banks would amount to 21,500,000, circulation 53,000,000, and discounts 157,000,000 dollars.

These last results, with the exception of the discounts, very materially differ from those which have been obtained by the mode of calculation previously adopted. They, nevertheless, furnish materials which may be useful in the progress of this inquiry. From them the following deductions may be drawn :

1st. That, in the Year 1813, the circulation of Bank Notes was nearly equal to the Bank Capital.

2nd. That, in the Year 1815, it exceeded the capital by one-eighth.

3rd. That, in the Year 1819, it was less than the capital nearly in the proportion of 1. to 2.5.

4th. That, whilst the amount of Bank Capital has increased since 1813, from 65,000,000 to 125,000,000 dollars; the metallic basis, upon which the circulation of Notes is founded, has decreased in the proportion of 15.5 to 28; being equal to 44.6 per cent.

5th. That the circulation of Notes in the Year 1819, in proportion to the specie in the possession of the Banks, exceeded that of 1813, 25.9 per cent.

6th. That, in the Year 1813, the Discounts, in proportion to the

Bank Capital employed, exceeded those of 1815, in the ratio of 18 to 17, and those of 1819 in the ratio of 18 to 12.

7th. That the increase of Bank Notes in circulation, between the Years 1813 and 1815, exceeded the increase of Discounts during the same period by 4,000,000 dollars ; whilst the Specie, in the vaults of the Banks, was diminished 11,000,000.

8th. That, whilst, between the Years 1815 and 1819, an addition of 37,000,000 dollars has been made to the nominal Bank Capital, but 6,000,000 have been added to the aggregate amount of Discounts.

It is probable, that, between the Year 1811 and the Year 1813, a considerable addition was made to the paper circulation of the Country. From a Return of the former Bank of The United States, made to the Treasury in 1808, it appears, that, with 15,300,000 dollars of Specie it circulated only 4,787,000 of Notes. Another Return, made in 1810, shews its condition was not materially changed. Shortly after the expiration of its Charter, Bank Capital, to a great amount, was incorporated in some of the States. The expenditures produced by the War which was declared in 1812, without doubt, contributed, in some degree, to produce the difference between the condition of the 16 Banks already referred to, and that of the former Bank of The United States. If it be admitted, however, that the circulation in 1813 was not redundant, it must have become excessive in 1815. An increase of the currency, in the space of 2 years, in the proportion of 99 to 62, even if it had been wholly metallic, could not have failed to have produced a very great depreciation ; but, when it is considered, that not only the increase but the whole circulation consisted of paper, not convertible into specie, some idea of its depreciation may be formed. The depreciation, however, was not uniform in every part of the Union. The variation in the degree of depreciation depended not only upon the greater issues of Banks in one Section of the Nation, than in others ; but, also, upon the local advantages which they enjoyed as to Commerce. It is impossible to determine, with precision, where the most excessive issue of Bank Notes occurred. Statement E, which exhibits the rate of exchange between the principal Cities to the east of this Place and London, and the price of Bills at New York upon Boston, Philadelphia, and Baltimore, during the Years 1813, 1814, 1815, and 1816, may be considered presumptive evidence of that fact. So far as it can be relied upon for that purpose, Baltimore was the point of greatest depreciation among the above-mentioned Places. This is probably true ; as it is known that the Banks in that Place made greater advances to the Government in the Loans which it obtained during the late War, in proportion to their capital, than those of Philadelphia, New York, and Boston. But the greatest depreciation of the currency existed in the interior States, where the issues were not only excessive,

but where their relation to the commercial Cities greatly aggravated the effects of that excess.

This statement may also assist in explaining the cause of the necessity which existed in 1814 for the suspension of specie payments by the Banks. From the commencement of the War until that event, a large amount of specie was taken out of The United States by the sale of English Government Bills, at a discount, frequently of from 15 to 20 per cent. Immediately after the suspension, they commanded a premium in those places where the Banks had suspended payment, which gradually rose to 20 per cent; whilst, at Boston, they remained at a discount of about 14 per cent. until February 1815.

Whatever may have been the degree of depreciation of the currency, in 1815, it continued to augment throughout the first 6 months of the Year 1816, if the rate of exchange with London is considered conclusive evidence of that fact. The excessive importations of British Merchandize during that period, and in the preceding Year, might indeed account for the increase of premium paid upon Sterling Bills, and was, probably, one of the principal causes of it. The great fluctuations which occurred in the latter part of that period, furnish some reason, however, for ascribing them, in some degree, to changes in the value of the currency, in which their price was calculated, rather than to the ordinary principles of exchange. It is more probable that the currency in those places where it was not convertible into specie, fluctuated in value according to the efforts which were made, in particular places, to prepare for the resumption of specie payments, than that the balance of payments between the 2 Countries should have varied to such an extent as is indicated by the sudden variations which occurred during that period in the rate of exchange. So far as these fluctuations are ascribable to the currency in which the rate of exchange was determined, a considerable appreciation of that currency took place in the last months of the Year 1816. From that period until the present time, the circulation has rapidly diminished; and all the evils incident to a decreasing currency have been felt in every part of the Union, except in some of the eastern States.

If, as previously stated, the circulation of 1813 be admitted to be the amount required to effect the exchanges of the Community with facility and advantage, and that, in the Year 1815, that circulation was extended to 99,000,000 dollars, which was, in some degree, augmented in 1816, the extent of the diminution of the currency, in the space of 3 years, may be perceived. But it is probable that the currency in 1815 exceeded 99,000,000 dollars. The Banks, upon whose situation that Estimate is founded, were established at a period when the practice of dispensing with the payment of those portions of their capital falling due after they went into operation, had not been generally introduced. Some of them did not suspend specie payments, during the general [1819—20.]

suspension. The rest were among the first to resume them, and have continued them to the present time. It cannot be expected that Banks which went into operation during the War, and after the general suspension had occurred, were conducted with an equal degree of prudence and circumspection. A reasonable allowance being made for Bank notes supposed to be in circulation at that period, but which were, in fact, in the possession of other Banks, and for the excess of issues beyond the Estimate, the circulation may, it is believed, be safely calculated at not less than 110,000,000 dollars. The paper circulation in 1813 has been estimated at 62,000,000 dollars. At that period, however, gold and silver formed a substantial part of the currency. The condition of the old Bank of The United States, in 1810, and of the 16 Banks, in 1813, proves that the demand for specie from the vaults of the Banks was inconsiderable. It is, therefore, probable, that the whole circulation of 1813 amounted to 70,000,000 dollars. In 1815, it is estimated to have risen to 110,000,000 dollars; and this amount was probably augmented in 1816. At the close of 1819, it has been estimated, upon data, believed to be substantially correct, at 45,000,000 dollars. According to these Estimates, the currency of The United States has, in the space of 3 years, been reduced from 110,000,000 dollars to 45,000,000 dollars. This reduction exceeds 59 per cent. of the whole circulation of 1815. The fact that the currency in 1815 and 1816 was depreciated, has not sensibly diminished the effect upon the Community, of this great and sudden reduction. Whatever was the degree of its depreciation, it was still the measure of value. It determined the price of labour, and of all the property of the Community. A change so violent could not fail, under the most favourable auspices in other respects, to produce much distress, to check the ardor of enterprise, and seriously to affect the productive energies of the Nation. The reduction was, in fact, commenced under favourable auspices. During the Year 1817, and the greater part of 1818, all the surplus produce of the Country commanded, in Foreign markets, higher prices than ordinary. The rate of Foreign Exchange afforded no inducement for the exportation of specie for the purpose of discharging debts previously contracted. The only drain to which the metallic currency was subject, was the demand for it for the prosecution of trade to the East Indies and to China. In this trade, specie being the principal commodity, and indispensable to its prosecution, the amount exported during those years was very great, and seriously affected the amount of circulation, by compelling the Banks to diminish their discounts.

Notwithstanding the drains for this commerce during these years was unusually large, every other circumstance was favourable to the restoration of the currency to a sound state, with the least possible distress to the Community. The capacity of the Country to discharge

a large portion of the debts contracted with Banks, and which had occasioned their excessive issues, was greater than at any former period, and than it probably will be again for a lapse of successive years. The effort to reduce the amount of currency during those years, though successful to a considerable degree, was not pursued with sufficient earnestness. In the latter part of 1818, when the price of the principal articles of American production had fallen nearly 50 per cent in Foreign markets; when the Merchant needed the aid of additional Loans to sustain him against the losses which he had incurred by the sudden reduction in the price of the commodities he had exported; he was called upon to discharge Loans previously contracted. The Agriculturist, who saw his income reduced below his indispensable necessities; the Manufacturer, who was not only struggling against Foreign competition, but who saw the sale of his manufactures reduced by the incapacity of his Customers to buy; in fact, all classes of the Community, under circumstances so adverse to the command of Funds, were subjected to curtailments wherever they had obtained discounts.

All intelligent writers upon currency agree, that where it is decreasing in amount, poverty and misery must prevail. The correctness of the opinion is too manifest to require proof; the united voice of the Nation attests its accuracy. As there is no recorded example in the history of Nations, of a reduction of the currency, so rapid and so extensive—so, but few examples have occurred of distress so general and so severe, as that which has been exhibited in The United States. To the evils of a decreasing currency are superadded those of a deficient currency. But, notwithstanding it is deficient, it is still depreciated. In several of the States, the great mass of the circulation is not even ostensibly convertible into specie at the will of the holder. During the greater part of the time that has elapsed since the resumption of specie payments, the convertibility of Bank notes into specie, has been rather nominal than real in the largest portion of the the Union. On the part of the Banks, mutual weakness had produced mutual forbearance. The extensive diffusion of Bank Stock among the great body of the Citizens, in most of the States, had produced the same forbearance among Individuals. To demand specie of the Banks, when it was known that they were unable to pay, was to destroy their own interests, by destroying the credit of the Banks in which the productive portion of their property was invested. In favour of forbearance was also added, the influence of the great mass of Bank Debtors. Every dollar in specie drawn out of the Banks, especially for exportation, induced the necessity of curtailments. To this portion of the Community all other evils were light, when compared with the imperious demands of Banks. Their exertions to prevent the drain of specie in the possession of those who controuled their destiny, equalled the mag-

nitude of the evils which were to be avoided. In most parts of the Union this forced state of things is passing away. The convertibility of Bank notes into specie is becoming real wherever it is ostensible. If public opinion does not correct the evil in those States where this convertibility is not even ostensible, it will be the imperious duty of those who are invested with the power of correction, to apply the appropriate remedy.

As the currency is, at least in some parts of the Union, depreciated, it must, in those parts, suffer a further reduction before it becomes sound. The Nation must continue to suffer until this is effected. After the currency shall be reduced to the amount which, when the present quantity of the precious metals is distributed among the various Nations of the World, in proportion to their respective exchangeable values, shall be assigned to The United States—when time shall have regulated the price of labour, and of commodities, according to that amount—and when pre-existing engagements shall have been adjusted,—the sufferings from a depreciated, decreasing, and deficient, currency will be terminated. Individual and public prosperity will gradually revive, and the productive energies of the Nation resume their accustomed activity. But new changes in the currency, and circumstances adverse to the perpetuity of the general prosperity, may reasonably be expected to occur. So far as these changes depend upon the currency, their recurrence, to an extent sufficient to disturb the prosperity of the Nation, would be effectually prevented, if it could be rendered purely metallic. In that event, we should always retain that proportion of the precious metals which our exchangeable commodities bear to those of other Nations. The currency would seldom be either redundant or deficient, to an extent that would seriously affect the interest of society. But when the currency is metallic, and paper convertible into specie, changes to such an extent, it is believed, will frequently occur.

The establishment of Banks, which are restrained from issuing notes of small denominations, furnishes great facilities for the transmission of money, and increases the efficiency of the capital subject to their control, to the extent of the credit employed by them. The degree of facility afforded by them for the transportation or transmission of money depends upon the extent of Country within which their notes circulate, and preserve a value equivalent to specie. Ordinarily, this extent is determined by the interior trade of the Country: they will circulate through the whole extent of Country the produce of which is carried for sale to the place of their establishment. If they are established only in the principal commercial City of the Nation, their notes will circulate through the whole extent of its Territory; and afford the greatest possible facility for the transmission of money. If they are established in several of the commercial Cities, their circulation will be circumscribed by the Sections of Country, the Inhabitants

of which trade to those Cities. The facility for transmitting money will be diminished by their establishment: but if Banks should be established in all the interior Towns, this facility would be impaired to a still greater degree. In that event, their notes would circulate within very narrow limits: but, within those limits, the notes of the Banks in the commercial Cities would no longer form part of the circulation. Should they, by accident, be carried within it, the first Individual having remittances to make, and into whose hands they might come, would use them for that purpose.

The degree of credit which a Bank can employ, in proportion to its capital, depends upon a variety of circumstances. If the Community reposes great confidence in the prudence and integrity of those who direct its concerns—if the capital employed is small in proportion to the demand for the transmission of money—if there is no other Bank whose local situation repels its circulation from those Sections of Country, the produce of which is ultimately carried to the place where it is established, the credit which it will be able to employ will be very great. Where all these facilities are wanting, the extent of the credit which it will employ will be very inconsiderable. The additional efficiency which, in the latter case, will be imparted to capital invested in Banks, will, it is believed, not countervail the evils which necessarily result from their establishment.

Among the advantages which have been supposed most strongly to recommend their establishment, especially in a Community whose resources are rapidly expanding, their capacity suddenly to increase the currency to the utmost demand for it, has been considered the most important.

In a Country where the currency is purely metallic, no considerable addition can be made to it, without giving, at the time of its acquisition, articles in exchange, of equal value. No addition can be made to the currency without affecting, to the extent of such addition, the enjoyments of the Community. The amount so added will, to the same extent, diminish the quantity of articles which would otherwise be imported into the Country for domestic consumption, or for re-exportation.

Ordinarily, the currency of one Country will not be exported to another, because its value in every Country is nearly the same. It will not, therefore, like other commodities, command a commercial profit upon exportation. It will be taken from one Country to another, only when the price of commodities in the former is so high as to produce a loss in the latter, equal to the expense of transporting specie. It is this condition, annexed to every acquisition to the currency of a State, when it is purely metallic, of diminishing, to the same extent, the enjoyments of the Community, which affords the most efficient protection against its becoming redundant. It is

equally efficient in guarding against a deficiency, to an extent that can seriously affect the interest of the Community. But this condition is not annexed to the increase of the currency, by the issue of Bank notes, even when convertible into specie. The notes, by which the currency is suddenly augmented, do not, in any degree, diminish the enjoyments of the Community. No equivalent is, by such issue, transferred to another Community, as is invariably done when acquisition is made to a metallic currency. Whenever the currency can be augmented, exempt from such transfer, it must be subject to some degree of fluctuation in quantity. Every addition made to the currency by the issue of Bank notes, changes the relation which previously existed between the amount of the currency, and the amount of the commodities which are to be exchanged through its agency.—Their issue depends not upon receiving, in exchange, articles of equal value; but, upon a pledge of the credit of one or more Individuals, to the amount of such issue. No evil can result to the Community from the advance of the capital of a Bank in exchange for the credit of Individuals. In that case no addition is made to the amount of the currency previously in circulation. It is perfectly immaterial to Society, whether this capital be lent by Individuals or by Corporations. The relation between the currency and the exchangeable commodities of the State is not disturbed. But, when their credit is greatly extended, the currency is expanded, and that relation is deranged. An expansion of the currency, through the agency of Banks, will generally occur only in periods of prosperity. During such periods, enterprise will be fostered, industry stimulated, and the comfort and happiness of the People advanced, without the factitious aid of an expansive currency. But there can be no doubt that a sudden increase of the currency during periods of prosperity, through the agency of Bank issues, gives additional force and activity to the national enterprise. Such an increase will be followed by a general rise in the value of all articles, especially of those which cannot be exported. The price of lands, houses, and public stock, will be augmented in a greater degree than if no such increase had taken place.

If these prices could be maintained; if they could even be protected against sudden reduction, they would be cause of gratulation rather than of complaint. But, the expansion of the currency by the issue of paper, in a period of prosperity, will inevitably be succeeded by its contraction in periods of adversity. The extent to which the currency may be contracted, through the agency of Banks, depends upon the use which they may have made of their credit. The excess of their discounts beyond their capital actually paid, determines the amount of the credit which they have employed. Thus, in 1813, the capital of the Banks in The United States has been estimated at 65,000,000 dollars; and their discounts at 117,000,000 dollars. The extent to

which their credit was then employed was 52,000,000 dollars. Their circulation, at the same period, has been estimated at 62,000,000 dollars. In this Estimate no allowance was made for notes stated to be in circulation, but which were probably in the possession of other Banks. A reasonable deduction being made on that account, it is probable that the paper circulation did not much exceed 52,000,000 dollars. But the liability of the Banks for specie, was equal to the whole amount of notes represented to be in circulation, besides the individual deposits. To meet an immediate demand, they are estimated to have had 28,000,000 dollars in specie. If the deposits of Individuals should be estimated at 18,000,000 dollars, their ultimate means of meeting the demand of 62,000,000 dollars, without sacrificing their capital, would consist of 10,000,000 dollars in specie, and 52,000,000 dollars secured by the notes of Individuals; this sum being the excess of their discounts over their capital. Under ordinary circumstances, the basis upon which the credit of this circulation rested, might be considered sufficient to sustain it. A debt of 117,000,000 dollars could not, under the most adverse circumstances, be considered inadequate to meet one of 52,000,000 dollars. But, in the case of currency, the capacity of ultimate redemption is not sufficient. The capacity to redeem it as it is presented is indispensable. Whenever the public confidence, in this capacity, is impaired, an immediate demand for specie will be created; and, if it is not promptly met, depreciation will ensue. But, even in circumstances in some degree adverse to the operations of Banks, if their discounts consisted principally of notes founded upon real transactions, in which the idea of renewal was excluded: and if specie formed a considerable proportion of the circulation, the capacity of the Banks to meet the demands upon them for specie, might have been sufficient to sustain the credit of the currency. If, on the other hand, the debts due to the Banks consisted chiefly of fixed or permanent Loans, generally denominated accommodation paper; if specie had been banished from circulation, by the issue of dollar notes, the suspension of payment by the Banks could not fail to be the result of any considerable pressure upon them for specie. In the former case, as their notes should be withdrawn from circulation, they would gradually be reduced to the demand for them for the transmission of money. If the effort to withdraw them should be continued beyond that point, specie would be paid into the Banks by their Debtors, in preference to bank notes; and the just proportion between the paper circulation, and the specie in their vaults, would be promptly restored. In the latter case, as the debts due to the Banks would not, according to the understanding of the Parties, become due at short intervals, the only mode of meeting the increasing demands upon them for specie, would be to require of the whole mass of Debtors, the payment of a fixed proportion of the sums due by them. As

the circumstances which would require this measure on the part of the Banks, would generally affect the Community in the same degree, the capacity of their Debtors to meet this demand would generally be found to be in an inverse ratio to the demand. The demand itself, being inconsistent with the impression under which the debt was contracted, would be resisted in every case where the interest of the Debtor would be subserved by delay. As specie formed but an inconsiderable part of the currency, the reduction of the paper circulation would have to be carried to a greater extent than in the former case. A just proportion between the paper circulation, and the specie necessary to support it, could be obtained only by the positive reduction of the former, as it would be impracticable to increase the latter while the demand continued.—Under such circumstances, the suspension of payment would be the probable result.

Such, in fact, were the circumstances under which the suspension, in 1814, occurred.

The injudicious multiplication of Banks, where capital in that form, to some extent, might have been useful—the establishment of them where they could only be injurious—the permission to issue dollar notes, by which specie was banished from circulation—and the demand for specie for exportation which existed during the Years 1813 and 1814,—imposed upon the Banks in the middle, southern, and western, States, the necessity of suspending payment. A longer effort to discharge their notes in specie would not only have been ineffectual, but would certainly have postponed, to a more remote period, the resumption of specie payments. The evils which have resulted to the Community from that suspension have certainly been great : but it may well be doubted, whether others of equal magnitude would not have been suffered, if that event had not occurred. The extent to which the currency must have been reduced, in order to have avoided the suspension, could not have failed, at any period, to produce great embarrassment and distress in the Community. But, in the time of war, when the Country was invaded—when the public safety required that the energies of the Nation should be fully developed, a sudden and extensive reduction of the currency, by any cause whatever, would have been fatal. Under such circumstances, the demand for currency would have been too imperious to be resisted. It would, from necessity, have been supplied by the issue of Treasury notes.

The fact, that, in a small portion of the Union, specie payments were continued, cannot be admitted as evidence that it was practicable throughout the Nation. In that part of the Country, the extensive bank issues, consequent upon Loans to the Government in the middle States, had not occurred. Foreign trade, which, in the other parts of the Union was nearly annihilated, still preserved there a languid existence, through the permission, or connivance, of the Enemy. These

circumstances could not fail to enable the Banks in the eastern States to continue specie payments longer than those of the middle, southern, and western, States. In an effort to preserve their credit, they would inevitably be the last which would fall. In such a struggle, however, they must have failed, had not the circulation of the paper of their weaker neighbours, and the issues of Treasury notes come to their aid. But for this adventitious assistance, wholly unconnected with the wisdom and foresight of their Directors, specie payments must have been suspended there, or the best interests of the Community have been sacrificed. From that period, until the resumption of specie payments, in the early part of 1817, Treasury notes, and the notes of the Banks which had suspended payment, formed the great mass of the circulation in the eastern part of the Union. Specie, or the notes of Banks which continued to pay specie, formed no part of the receipts of the Government in Boston, and the Districts east of that Town, until about the close of the Year 1816.

In all great exigencies which, in the course of human events, may be expected to arise in every Nation, the suspension of payment by Banks, where the circulation consists principally of bank notes, is one of the evils which ought to be considered as the inevitable consequence of their establishment. Even in Countries where paper does not form the principal part of the circulation, such an event will sometimes happen. In the Year 1797, when the restriction was imposed upon the Bank of England, the average of its circulation for several successive Years was about £10,000,000 sterling, whilst the metallic currency was estimated at £30,000,000. Yet, in that Country, whose trade in time of War, through the protection of its Fleets, was rather expanded than contracted, it was found necessary to authorise the Bank to suspend payment; which suspension, after a lapse of 23 Years, still continues. When the existence of Banks depends upon the authority which regulates the currency, it may be practicable to impose salutary checks against excessive issues of paper during suspension; and, in some degree to guard against an excessive depreciation of the currency. But where these Institutions are created by an authority having no power to regulate the currency; and especially, where they are created by a great variety of authorities independent of each other, and practically incapable of acting in concert, it is manifest, that no such checks or restraints can be imposed. It is impossible to imagine a currency more vicious than that which depends upon the will of nearly 400 Banks entirely independent of each other, when released from all restraint against excessive issues. By the term currency, the issue of paper by Government, as a financial resource, is excluded. Even such an issue, in a State where the reign of Law is firmly established, and public opinion controls the public Councils, would be preferable to a currency similar to that

which existed in some parts of The United States during the general suspension; and which now exists in some of the States. This truth has been practically demonstrated by the redemption of the whole of the Treasury notes issued during the War, within the short space of about 2 years after the Peace; whilst a large amount of bank notes, issued during the suspension, are yet unredeemed, and greatly depreciated.

There can be no doubt, that a metallic currency, connected with a paper circulation convertible into specie, and not exceeding the demand for the facile transmission of money, is the most convenient that can be devised. When the paper circulation exceeds that demand, the metallic currency, to the amount of the excess, will be exported, and a liability to sudden fluctuations, to the same extent, will be produced.

If Banks were established only in the principal commercial Cities of each State—if they were restrained from the issue of notes of small denominations—if they should retain an absolute control over one-half of their capital, and the whole of the credit which they employ, by discounting to that amount nothing but transaction-paper, payable at short dates—the credit and stability of the Banks would, at least, be unquestionable. Their notes could always be redeemed, in specie, on demand. The remaining part of their capital might be advanced upon long credits to Manufacturers, and even to Agriculturists, without the danger of being under the necessity of calling upon such Debtors to contribute to their relief if emergencies should occur. Such Debtors are, in fact, unable to meet sudden exigencies; and ought never to accept of advances from Banks but upon long credits, for which timely provision may be made. The latter class, of all others, is the least qualified to meet the sudden demands which a pressure upon Banks compels them to make upon their Debtors. The returns of capital invested in agriculture are too slow and distant to justify engagements with Banks, except upon long credits. If the payment of the principal should be demanded at other periods than those at which the husbandman receives the annual reward of his toil, the distress which would result from the exaction would greatly outweigh any benefit which was anticipated from the Loan. That the establishment of Banks in agricultural Districts has greatly improved the general appearance of the Country, is not denied. Comfortable mansions and spacious barns have been erected, lands have been cleared, and reduced to cultivation, farms have been stocked and rendered more productive, by the aid of Bank credits. But these improvements will eventually be found, in most cases, to effect the ruin of the Proprietor. The farm, with its improvements, will frequently prove unequal to the discharge of the debts incurred in its embellishment. Such, in fact, is the actual or apprehended state of things

wherever Banks have been established in the small inland Towns and Villages. Poverty and distress are impending over the heads of most of those who have attempted to improve their farms by the aid of Bank credits. So general is this distress, that the principal attention of the State Legislatures, where the evil exists, is, at this moment, directed to the adoption of measures calculated to rescue their Fellow Citizens from the inevitable effects of their own indiscretion. If, in affording a shield to the Debtor, against the legal demand of his Creditor, the axe should be applied to the root of the evil, by the annihilation of Banks where they ought never to have existed, the interference, however doubtful in point of policy or principle, may eventually be productive of more good than evil.

The general system of credit, which has been introduced through the agency of Banks, brought home to every man's door, has produced a factitious state of things, extremely adverse to the sober, frugal, and industrious, habits which ought to be cherished in a Republic. In the place of these virtues, extravagance, idleness, and the spirit of gambling adventure, have been engendered and fostered by our Institutions: So far as these evils have been produced by the establishment of Banks where they are not required; by the omission to impose upon them wholesome restraints; and by the ignorance or misconduct of those who have been entrusted with their direction, they are believed to be beyond the control of the Federal Government. Since the resumption of specie payments, measures have been adopted in some of the States to enforce their continuance: in others, the evil has been left to the correction of public opinion. There is, however, some reason to apprehend, that the authority of Law may be interposed in support of the circulation of notes not convertible into specie.

But the Federal Government has, by its measures, in some degree contributed to the spirit of speculation, and of adventurous enterprise, which, at this moment, so strongly characterize the Citizens of this Republic. The system of credit, which, in the infancy of our commerce, was indispensable to its prosperity, if not to its existence, has been extended at a period when the dictates of sound discretion seemed to require that it should be shortened. The credit given upon the sale of the National Domain has diffused this spirit of speculation, and of inordinate enterprise among the great mass of our Citizens. The public lands are purchased, and splendid Towns erected upon them with Bank credits. Every thing is artificial. The rich Inhabitant of the commercial Cities, and the Tenant of the Forests, differ only in the object of their pursuit. Whether commerce, splendid mansions, or public lands, be the object of desire, the means by which the gratification is to be secured are Bank credits.

This state of things is no less unfriendly to the duration of our Republican Institutions, than it is adverse to the development of our national energies, when great emergencies shall arise; for, upon such occasions, the attention of the Citizens will be directed to the preservation of his property from the grasp of his Creditors, instead of being devoted to the defence of his Country. Instead of being able to pay with promptitude the contributions necessary to the preservation of the State, he will be induced to claim the interference of the Government to protect him against the effects of his folly and extravagance.

This ought not to be the condition of a Republic, when menaced by foreign force or domestic commotion. Such, it is apprehended, will be the condition of The United States, if the course which has been pursued since the commencement of the late War, is not abandoned. Since that period, it is believed, the number of Banks in The United States has been more than doubled. They have been established in the little inland Towns and Villages, and have brought distress and ruin upon the Inhabitants. When the cause and the extent of the evil is known, no doubt is entertained that the appropriate remedies will be applied by those, who, in our complex form of Government, are invested with the necessary authority.

But the Resolution requires the Secretary of the Treasury "to report such measures, as, in his opinion, may be expedient to procure, and retain, a sufficient quantity of gold and silver coin in The United States."

It has already been suggested, that, if the currency was purely metallic, or connected with paper convertible into specie, to the extent only of the demand for the transmission of money, The United States would retain that proportion of the precious metals which the value of their exchangeable commodities bore to those of other States. But if paper can be made to circulate, independent of its employment in the transmission of funds, gold and silver, to the same extent, will be exported. If paper will be received and employed generally as the medium of exchange, and especially if it is issued in bills of small denominations, the amount of specie which will be exported will be great in proportion to the paper in circulation. If this position be correct, the power of Congress will be insufficient to retain any considerable portion of gold and silver in The United States. Bank notes, from one dollar to those of large denominations, have circulated, and, it is presumed, will continue to circulate, independent of its authority. As long as Bank notes will be received as a substitute for specie, the quantity of specie, necessary for currency, will be small, and may be easily retained without the aid of Government. But the demand for specie, where the circulation is principally paper, is extremely fluctuating. When there is but little or no demand for it, the

temptation to increase their discounts, by the issue of more paper, is too strong to be resisted by Banks. When a demand for specie arises, the currency has to be suddenly diminished by the contraction of their discounts. Fluctuation in the amount of the currency, produced by this means, is the principal mischief to be remedied. These fluctuations will frequently occur in every State, where the currency is principally paper convertible into coin. In The United States, where the specie exported, as a primary article of Commerce, to the East Indies and to China, bears so large a proportion to the metallic currency of the Country, they must not only be more frequent than in States where no such commerce exists, but more extensive in their effects. The demand created for Spanish milled dollars, by the exportation of specie, in the prosecution of this trade, has, without doubt, caused their importation to an extent which otherwise would not have occurred. As this demand is, in some degree, contingent, the supply will also be contingent. When it exceeds the demand, the Banks will be tempted to new issues of paper. When it is deficient, the deficiency will be drawn from the Banks, and will cause a sudden diminution of the currency. If this diminution could be limited to the amount of the deficiency thus drawn from the Banks, the evil would be no greater than if the currency were metallic. But this is not the fact. When the paper circulation is returned upon the Banks for specie, prudence requires that an effort should be made to preserve the same proportion between the specie in their vaults and their notes in circulation, as existed at the moment the pressure commenced. If the paper in circulation should be 3 times the amount of specie in the possession of the Banks, a demand upon them for 1,000,000 dollars of specie would produce a diminution of 3,000,000 dollars in the currency, if the specie should be exported, and of 2,000,000 dollars if it remained in the Country. It is even probable that the comparative diminution would exceed this ratio. As the demand increased, apprehensions would be excited for the credit of the Banks; the exertions produced by that apprehension, would correspond with the magnitude of the evil to be avoided, rather than with the positive pressure. This, it is presumed, would be the effect of such an emergency, where Banks had not become familiarized with bankruptcy, and were not countenanced by society in a course of conduct which, in private life, would be considered dishonest.

If, by any constitutional exercise of the power of Congress, Banks can be restrained, 1st. From issuing notes of small denominations; and, 2d. From excessive issues when their notes are not returned upon them for specie, fluctuations in the currency, to an extent to derange the interests of society, may be prevented. But if the imposition of these restraints are not within the constitutional powers of Congress, the evils which have been suffered for the want of those re-

straints, must continue, until the present system of banking shall be abandoned.

In an enquiry into the state of the currency, the consideration of the coinage is necessarily involved. The principles upon which the coinage of The United States has been established, are substantially correct. The standard fineness of the gold coinage corresponds with the coinage of England and Portugal. The standard of the silver coinage differs but little from that of Spain. The American dollar is intrinsically worth about 1 per cent. less than the Spanish milled dollar. This difference, if the Spanish dollar had not been made a legal tender, might have secured to the Nation a more permanent use of its silver coinage. American dollars would not be exported, as long as Spanish dollars could be obtained for that purpose, at a reasonable premium. If this latter coin was not a legal tender, the Banks might afford to import it, and might sell, at a fair premium, the amount which might be required of them for the China and East India trade.

The relative value of gold and silver has been differently established in different Nations. It has been different in the same Nation at different periods. In England, an ounce of gold is equal in value to about 15.2 ounces of silver. In France, it is equal to 15.5; and, in Spain and Portugal, to 16 ounces. In The United States, an ounce of gold is equal to 15 ounces of silver. But the relative value of these metals in the markets, frequently differs from that assigned to them by the Laws of the different Civilized States. It is believed that gold, when compared with silver, has been, for many Years, appreciating in value; and now, every where, commands, in the money markets, a higher value than that which has been assigned to it in States where its relative value is greatest. If this be correct, no injustice will result from a change in the relative legal value of gold and silver; so as to make it correspond with their relative marketable value. If gold, in relation to silver, should be raised 5 per cent. 1 ounce would be equal to 15.75 or $15\frac{3}{4}$ ounces of pure silver. This augmentation in its value would cause it to be imported in quantities sufficient to perform all the functions of currency. As it is not used to any considerable extent, as a primary article of commerce, the fluctuations to which the silver currency is subject from that cause, would not affect it. It would be exported only when the rate of Exchange against the Country should exceed the expense of exportation. In ordinary circumstances, such a state of Exchange would not be of long continuance. If the currency of The United States must, of necessity, continue to be paper, convertible into specie, an increase of the gold coinage, upon principles which shall afford the least inducement to exportation, is probably the most wholesome corrective that can be applied, after the rigid enforcement of that convertibility.

The copper coinage is believed to be susceptible of improvement. Copper itself is too massive to serve the purposes of change. One hundred cents are too cumbrous to be carried, and used in the numberless transactions which daily occur between Individuals. Coin, compounded of silver and copper, of from 1 to 10 cents, would be much more suitable for that object. This kind of coinage has been adopted in other Countries, with great advantage.

It has, however, been objected to this coinage—

1. That, as compounded metals are much harder than the component ingredients, it would be difficult, and consequently expensive to work.

2. That the coin itself would be of little or no intrinsic value; copper or brass being of superior value in the manufactures to which it might be applied. And that the public would scarcely submit to the circulation of a coin so worthless.

3. That it might be counterfeited by a composition of zinc and copper.

After giving to these objections their due weight, it is believed, that a change of this nature, in the copper coinage, would be beneficial. Although the expence of such a coinage should be twice as much as that of an equal number of silver coin, still it might be advantageous. Small change, both of silver and copper, may be abundant in Philadelphia, the seat of the mint; but it is not generally so elsewhere. If it were, tickets of 6 $\frac{1}{4}$, 10, 12 $\frac{1}{2}$, 25, and 50 cents, issued by Mayors and Corporation Officers, and dollar Bills torn in 2 peices, for the purposes of change, would not be employed for that purpose. This single fact is an answer to the second objection. The fractional parts of a dollar are so indispensable in the transactions of Individuals, that any thing which assumes that character will be employed. If the tickets, which, at this moment, form so great a portion of the change of this City, and of various other places, are employed for that purpose, it is inconceivable that the Community should refuse to permit a compound coin, of silver and copper, to circulate, containing the intrinsic value which it represents, merely because, for manufactures, it will not be worth more than brass or copper, and the expense of refining will be equal to the value of the silver. Change, that is, the fractional parts of a dollar, is so indispensable to the Community, that its inapplicability to manufactures, and its exemption from liability to exportation, instead of forming objections, are recommendations in its favour.

The objection that this coin may be easily counterfitted, is, if it cannot be obviated, entitled to great consideration. As has been before stated, this compound coinage has been successfully practised in other States. If compound metals are much harder than their component ingredients, may not a sufficient security against counterfeiting be derived from that circumstance. The dimensions and power of the machinery, which constitute one of the objections to the coinage, will

render it extremely difficult to secure that secrecy and concealment, which are indispensable to the success of the counterfeiter. If this compound coinage should not be carried higher than 10 cent, or disme, pieces, the inducement, compared with the danger of detection, resulting from the magnitude of the machinery, would not, it is believed, be sufficient to encourage counterfeiting. If, however, it should be deemed impracticable to guard against this evil, in a coinage composed of silver and copper, an attempt might be made to obtain a supply of small change, by a mixture of silver and zinc. The danger of counterfeiting would then be removed.

As various plans have been suggested during the last 12 months, for alleviating the general distress which has prevailed, by the emission of a large amount of Treasury notes, a few observations on that subject will close this part of the Report.

If Treasury notes are to be issued for this purpose, they will be either receivable in all payments to the Government, or they will be made redeemable at a fixed period.

1. If they are made receivable in all payments to the Government, the Revenue will, from the time that 5,000,000 dollars are issued, be substantially received in them. The Government will be immediately unable to pay the interest and reimbursement of the public Debt in specie, as it becomes due. These notes, when compared with the notes of the Bank of The United States, will be at a discount. The latter notes, independently of their being every where receivable, in all payments to the Government, are convertible, at the place of their issue, into specie. They are equal to the Treasury notes in payment of the Revenue, and superior to them, as they can command specie when the Holder shall desire it.

If the 14th Section of the Bank Charter was modified, so that the notes of the Bank and of its Offices should be receivable by the Government, only when tendered where they are made payable, a small amount of Treasury notes might be issued, and circulated, without depreciation. In that case, they would be used for the transmission of money, and would be in constant demand for that purpose. It is the reception of the notes of the Bank of The United States, and its Offices, by the Government, wherever they are tendered, that causes them to be considered as a good remittance throughout The United States. If they should cease to be so received, a demand for Treasury notes to a small amount, for the transmission of money, would be created, and would preserve them from depreciation. If the notes thus issued should be made redeemable at the Treasury, in specie, upon demand, the amount which might be put and retained in circulation would probably exceed, to a considerable extent, the sum demanded for the facile transmission of money. Such Treasury notes would, however, have no advantage over the notes of the Bank of The United States, as long as they are

receivable in all payments to The United States, without reference to the place where they are payable. It is even probable that they would not be of equal value and currency with those notes, as the latter would generally be made payable in the principal commercial Cities, where remittances are continually made, whilst the Treasury notes would be payable only at this place. If Treasury notes, payable in specie, on demand, when presented at this place, should be preferred to the notes of the Bank of The United States, it would be in consequence of the abuses which have been practised by Banking Institutions, which have, in some degree, shaken the public confidence in the integrity of their direction.

2. If Treasury notes were to be issued, not receivable in payments to the Government, but redeemable at a fixed period, they would immediately depreciate, unless they bore nearly 6 per cent. interest. In the latter case, they would be of little more use, as currency, than the Funded Debt. They would not perform the functions of money.

3. In any case whatever, whether they are receivable in payments to the Government, or bear an interest, and are redeemable at a fixed period, they will afford no substantial relief where the distress is greatest, unless they should be advanced as a Loan, in order to alleviate that distress. If they are to be issued from the Treasury, in discharge of the demands upon the Government, they would never reach those Sections of Country where relief is most required. *There*, the Government already collects more than can be expended. One of the causes of this distress is the necessity of transferring the Public Funds from those Sections, for the purpose of being expended, to those where there is no deficiency of currency.

As a financial resource, the issue of Treasury notes is justifiable only where the deficiency, which they are intended to supply, is small in amount, and temporary in its nature. As a measure of alleviation, it will be more likely to do harm than good. If a sufficient amount of those notes, of any description whatever, should be issued, and put into circulation where they are most wanted, unless they were given away, a Debt in that part of the Union would be contracted to the extent of the issue. It might enable the Borrowers to pay debts previously contracted, but their relative situation would be the same. Unless the currency became vitiated by the relief which was afforded, the ultimate payment of the Debt would consummate the ruin which the measure was intended to prevent. But it is probable that the sums which might be advanced, by way of Loan, would, in a great degree, be lost. The Government is not, from its nature, qualified for operations of this kind. The general system of credit which has been introduced by the agency of Banks, and by the inevitable effect of the measures of the General Government, has produced an artificial state of things, which requires repression rather than extension. The issue of Treasury notes, for the purpose of alleviating the general distress, would tend to

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increase this unnatural and forced state of things, and give to it a duration which it would otherwise never attain. If much of the evil resulting from a decreasing currency had not already been suffered, there might be some plausible reason for urging the issue of Treasury notes, as a measure of alleviation. This ground cannot be urged in its favour; it is, therefore, indefensible, upon the ground of expediency, as well as of principle.

The last member of the Resolution assumes, by implication, the practicability of substituting, by the constitutional exercise of the powers of Congress, a paper currency for that which now exists.

In considering this Proposition, the power of Congress over the currency of The United States cannot, consistently with the respect which is due to that Body, be either affirmed or denied. It cannot be supposed, that the House of Representatives, in adopting the Resolution in question, intended, through the Agency of an Executive Department of the Government, to institute an inquiry as to the extent of the Constitutional Authority of a Body, of which it is only a constituent Member. Yet it will necessarily occur to the House, that, if the power of Congress over the currency is not absolutely sovereign, the inquiry, whatever may be its immediate result, must be without any ultimate utility. The general prosperity will not be advanced, by demonstrating that there is no intrinsic obstacle to the substitution of a paper, for a metallic currency, if the power to adopt the substitute has been withheld from the Federal Government. Without offering an opinion upon the weight to which these views would have been entitled, had they been urged whilst the Resolution was under consideration, it is admitted that they furnish no ground for declining the performance of the duty imposed by its adoption. In the discussion of a question of so much delicacy and importance, the utmost confidence is reposed in the justice and liberality of those who have rendered it indispensable.

At the threshold of this inquiry, it is proper to observe, that it is deemed unnecessary to present an analysis of the motives which led, even in the most remote antiquity, to the general adoption, by civilized States, of gold and silver, as the standard of value; or, of the advantages which have resulted from that adoption. The circumstance to which, in the course of this investigation, it will be necessary to advert, is the tendency which a metallic currency has to preserve a greater uniformity of value, than any other commodity; and the facility with which it returns to that value, whenever, by any temporary causes, that uniformity has been interrupted. No argument will, in this place, be offered in support of this proposition. It is founded in the experience of all Nations. Its truth, for the present, will therefore be assumed. But, the proposition itself admits, that gold and silver, when employed by the consent of all civilized States, as the standard of value, are subject to temporary variations of value. It is equally true,

that they are subject to permanent variations. The cause and effect of these changes will be considered previously to the discussion of the practicability of substituting a paper for a metallic currency.

1st. When, by any circumstance whatsoever, a greater portion of these metals is found in a particular State, than is possessed by other States, having articles of equal value to be exchanged, they will, in such State, be of less value than in the adjacent States. This will be manifested by an increase in the price of the commodities of such State. This increase of price will continue until the metallic redundancy is exported, or converted into manufactures. Whenever this redundancy is disposed of, the currency will return to its former value; and the price of other commodities will be regulated by that value.

2d. But the exportation of specie may take place where there is no such redundancy. This occurs whenever the general balance of trade continues, for some time, unfavourable to a particular State. The currency then appreciates in value; and the price of all other commodities in such State is diminished. As Commerce is nothing more than the exchange of equivalents, the reduction in the price of the articles of such State, and the increased value of the currency, will promptly produce a reaction; and gold and silver will soon return in the quantities required to reduce their value to that which they maintain in the adjacent States. With the return of specie, all other articles will return to the prices which they commanded before its exportation. Like fluids, the precious metals, so long as they are employed as the general measure of value, will constantly tend to preserve a common level. Every variation from it will be promptly corrected, without the intervention of human Laws. These fluctuations, being temporary in their nature, are wholly independent of the permanent causes which may affect the value of gold and silver, when employed as the general standard of value. They will equally occur, whether the quantity of these metals, compared with the exchanges which they are destined to effect, be redundant or deficient. The limits, however, within which these fluctuations are confined, are so contracted, that the great interests of society cannot be seriously affected by them. But this observation must be understood to apply to a currency purely metallic, or, at least, when the paper which is connected with it does not exceed the demand for the convenient transmission of money.

3d. Gold and silver, when employed by the common consent of Nations as the standard of value, are subject to variations in value from permanent causes. When their quantity is increased more rapidly than the articles which are to be exchanged through their agency, their price will fall; or, what amounts to the same thing, the price of all exchangeable articles will rise. It has been admitted by all intelligent Writers upon this subject, that, immediately after the dis-

covery of America, towards the close of the 15th Century, a sudden and extensive depreciation in the value of these metals occurred; and that, from that time to the close of the 18th Century, they continued gradually to depreciate. This depreciation, it is believed, has been accelerated during the last Century, as much by the substitution of paper for specie, as by the increase in the quantity of those metals during that period, beyond the demand which would have existed for them, as currency, had that substitution not taken place. The precise effect upon the depreciation of these metals, produced by the partial substitution of paper, in various Countries, for a metallic currency, will not now be inquired into; but it is generally conceded, that the depreciation has been more rapid since that substitution, than at any former period, except when the accumulated stock of ages in the new World was brought into Christendom, and thence distributed into every other Region where gold and silver were in demand. Since the close of the last Century, doubts have existed, whether those metals, even when employed as currency, have not appreciated in value: and it is contended, by the Advocates of a paper currency, that this appreciation will probably continue through a long succession of years, and seriously affect all the operations of the civilized World. It is maintained by these Writers, that the demand for currency, at present, throughout the World, is greater than the supply which the existing quantity of the precious metals will afford, without materially depressing the price of all the objects of human industry and human desires. When it is recollected that production is regulated by demand, and that both are directly affected by the quantity of currency compared with the quantity of articles to be exchanged, it is readily perceived, that an increase in the currency of the World by the substitution of paper, even when convertible into coin, will increase the quantity of exchangeable commodities in the World beyond what would have existed had such increase of currency not taken place. Under such circumstances, a sudden reduction of the currency, by the rejection of the paper which had been employed, could not fail to derange all the relations of Society, by diminishing the quantity of currency, whilst the articles to be exchanged through its agency would suffer no such diminution. An immediate depression in the price of all commodities would be the inevitable consequence of an unqualified return to a metallic currency, upon the supposition that the quantity of gold and silver, annually produced, should remain undiminished. But, if this return to a metallic currency, should be attempted, at a period when the annual product of these metals, either from temporary or permanent causes, should have considerably decreased, all the great interests of society would be most seriously disordered; property of every description would rapidly fall in value; the relations between Creditor and Debtor would be violently and suddenly changed. This change

would be greatly to the injury of the Debtor; the property, which would be necessary to discharge his debts, would exceed that which he had received from his Creditor: the one would be ruined without the imputation of crime, whilst the other would be enriched without the semblance of merit. Until the engagements existing at the moment of such a change are discharged, and the price of labour and of commodities is reduced to the proportion which it must bear to the quantity of currency employed as the medium of their exchange, enterprise of every kind will be repressed, and misery and distress universally prevail. When this shall be effected, the relations of society, founded upon a new basis, will be equitable and just, and tend to promote and secure the general prosperity.

Such, it is contended by the Advocates of a paper currency, are the circumstances under which the principal States of Europe are endeavouring to return to a metallic currency. For a Century past, the currency of these States has been greatly increased by the employment of paper, founded, it is true, originally upon a metallic basis. During the last 20 years, this paper has ceased to be convertible into specie; and, as no systematic effort has been made to prevent excessive issues, it has become redundant, and, consequently, depreciated. Notwithstanding this depreciation, the production of those Countries, it is believed, have more rapidly increased, than those of Countries where a metallic currency has been preserved. The first efforts that are seriously made by those States to return to a metallic currency, will be the repression of enterprise of every description among themselves. It will be foreseen that the currency must appreciate, and that all other articles must depreciate in value. The effects of this appreciation of money will be first manifested in those States, by the fall of the price of all articles which cannot be exported. In the progress of these measures, the price of the exportable articles will also be affected, by the reduction in the currency employed in effecting their exchange. It is even probable that the quantity of exchangeable articles will be diminished. Whilst the appreciation of the currency is perceptibly advancing, the Manufacturer will not hazard his capital in producing articles the price of which is rapidly declining. The Merchant will abstain from purchasing, under the apprehension of a further reduction of price, and of the difficulty of re-vending at a profit. It is even probable that the interest of money will fall, whilst the cry of a scarcity of money will be incessant. Under such circumstances, Loans will not be required, except to meet debts of immediate urgency. None will be demanded for the prosecution of enterprizes, by which the productive energies of the Community will be increased.

As the measures which have been adopted by England, and several of the Continental States of Europe, for returning to a metallic currency advance, the interests of those States, which have adhered to it, will be affected. Whilst gold and silver were, in the former States,

dispensed with as coin, they were sought for merely as commodities. The quantity necessary for their manufactures was readily obtained, without deranging, in any serious degree, the currency of other States.

It has been estimated, that, from 80,000,000 to 120,000,000 dollars were necessary to England. Taking the mean sum, and admitting that the other European States engaged in the same effort, require an equal amount, a supply of 200,000,000 dollars is necessary. The commencement of the measures necessary to obtain that portion of this sum, which cannot, in a short time, be drawn from the annual product of the mines, may not be immediately felt by other States. But, when these measures approach their completion; when a large quantity of gold and silver is necessarily withdrawn from the currency of other States; the price of specie will, in the latter, appreciate, and the price of all commodities will decline. All the evils incident to an appreciating currency will be felt in those States, though in a less degree than where a paper currency had been exclusively adopted. The example presented by the return to a metallic currency in France, even in the midst of a Revolution, which probably had some influence upon the decision of this question by other States, is believed to be, in no degree, analogous in its principal circumstances. At the precise period that this change was operating, England, and the principal Continental States, abandoned the precious metals as currency. The supply demanded by France was not only at hand, but was seeking the very employment which that change had made indispensable. At the same time, immense sums were brought into France by her conquering Armies, which, being raised by military contributions, had, in some degree, rendered a resort to paper currency, in the invaded States, necessary. At present, the civilized World is at peace, and each State is endeavouring, by systematic measures, to secure to itself a just participation of the benefits of equal and reciprocal Commerce. The States which are now attempting to return to a metallic currency, will find much greater difficulty in effecting this change than was experienced by France.

The demand for gold and silver, as the medium of exchange, cannot be supplied until the price of all exchangeable articles has fallen in proportion to the reduction of the currency which the abandonment of paper must produce. It is even probable, as has been before suggested, that, after the price of commodities and of labour shall have fallen, so as to bear a just proportion to the currency which is to be employed in effecting the necessary exchanges, that the currency will continue gradually to appreciate. This, however, is matter of conjecture. It depends entirely upon the fact, whether the annual produce of the mines, after furnishing the quantity necessary for the consumption of the precious metals in manufactures, will be equal to the increased demand for currency, arising from the increase of

exchangeable commodities throughout the World. The great advancement in the arts and sciences—the rapid improvement in machinery which characterizes the present age, acting through a long succession of ages, cannot fail to augment, in an astonishing degree, all the products of human industry.

It may, however, be urged, that the same improvements will augment, in an equal degree, the product of the mines; and that, therefore, the quantity of the precious metals in the World will continue to bear, to other commodities, the same relation which they may assume when the return to a metallic currency is effected. This may be true: but, so far as it depends upon the general principle,—that the supply of all articles is regulated by the demand,—there is reasonable ground of doubt. The maxim, although good as a general rule, admits of exceptions. A demand beyond the supply increases the price of the thing demanded; and invites to the investment of additional capital in its production. But, when the article demanded is to be produced from a material which no investment of capital, no application of skill, can augment, the only effect of such investment and application, is to produce the most which the material has the capacity to furnish. Such, in fact, is the case of gold and silver. The material from which they are made is limited in quantity, which neither capital nor skill can augment. It is probable, that the improvements in machinery, and the art of refining, will be counterbalanced by the exhaustion of the mines; or, the difficulty of working them, arising from the depth and extent of their excavations. It is, therefore, possible, that the demand for the precious metals, for currency and for manufactures, may exceed the production of the mines.

Previously to entering upon the immediate discussion of the practicability of substituting a paper for a metallic currency, it is proper to observe, that gold and silver derive part of the uniformity of value which has been ascribed to them, from the general consent of civilized States to employ them as the standard of value. Should they cease to be used for that purpose, they would become more variable in their value, and would be regulated, like all other articles, by the demand for them, compared with the supply in any given market. It is presumed, that, if they should cease to be employed as the standard of value by several States, their uniformity of value would be, in some degree affected, not only in those States where they were considered as mere commodities, but in those where they were still employed as currency. Whenever, as commodities, they should rise in value, a drain would take place from the currency of other States; and when they should fall in value, as commodities, they would seek employment as currency; and render, in some degree, redundant the currency of the States where they are employed. After making due allowance for the depreciation of Bank notes in England, from the time

of the Bank Restriction, in 1797, to the present period, the price of gold and silver in that Country is believed to have varied more than at any former period. Their price, when compared with Bank notes from the Year 1797 to 1808, showed but a slight degree of depreciation; considerably less, in all human probability, than actually existed. During that interval, the demand for those metals was limited in England to the sum required for manufactures. It is highly probable, that, if the quantity of paper circulation had been reduced to the amount of the currency in circulation at the time of, or for one year before, the Restriction, the price of bullion would have been below the mint price. On the contrary, in the Year 1808, when the employment of a British Force in Spain created a sudden demand for specie, the depreciation of Bank notes, indicated by the price of bullion, was probably greater than that which really existed. In the Year 1814, after the Treaty of Paris, the price of bullion, estimated in Bank paper, was not above the mint price; whilst, in the succeeding Year, it rose to more than 20 per cent. above that price: the amount of Bank notes in circulation at the former, exceeding, in a small degree, that of the latter period. It is impossible that these variations in the price of gold and silver, in the short space of one year, can be entirely chargeable to the depreciation of Bank notes. The effect which these variations, in a great commercial State, where the precious metals were considered only as commodities, were calculated to produce upon the currency of the neighbouring States, has not been ascertained. The convulsions to which most of these States were subject during that period, may account for the want of sufficient *data* to elucidate the subject. It is, however, highly improbable that these fluctuations were not sensibly felt by them.

Having considered the nature and extent of the variations in value, to which a metallic currency is necessarily subject, it remains to examine, whether it is practicable to devise a system by which a paper currency may be employed as the standard of value, with sufficient security against variations in its value, and with the same certainty of its recovering that value, when, from any cause, such variations shall have been produced. It is distinctly admitted, that no such paper currency has ever existed. Where the experiment has been made directly by Government, excessive issues have quickly ensued; and depreciation has been the immediate consequence. Where the experiment has been attempted through the agency of Banks, it has invariably failed. In both cases, instead of being used as a mean of supplying a cheap and stable currency, invariably regulated by the demand, for effecting the exchanges required by the wants and convenience of society, it has been employed as a financial resource; or, made the instrument of unrestrained cupidity. In no case has any attempt been made to determine the principles upon which such a cur-

rency, to be stable, must be founded. Instead of salutary restraints being imposed upon the monied Institutions which have been employed, the vital principle of whose being is gain, they have not simply been left to the guidance of their own cupidity, but have been stimulated to excessive issues to supply deficiencies in the Public Revenue. This is known to have been the case, in an eminent degree, in the experiment which has been attended with most success. The issues of the Bank of England, on account of the Government, were frequently so great, as to destroy the demand for discounts by Individuals. In consequence of these excessive issues, the interest of money fell below 5 per cent., the rate at which the Bank discounted; the demand for discounts at the Bank therefore ceased. It is, indeed, not surprising, that no systematic effort has been made to restrain excessive issues. In the case of Banks, the experiments which have been made were intended to be temporary: they were the result of great and sudden pressure, which left but little leisure for the examination of a subject so abstruse. The employment of a paper circulation, convertible into specie, the favourite system of modern States, having, as has been attempted to be shewn in a previous part of this Report, the inevitable tendency to produce the necessity of resorting, in every national emergency, to paper not so convertible, imposes upon those who are called to administer the affairs of Nations, the duty of thoroughly examining the subject, with a view, if practicable, to avoid that necessity. If the examination does not result in the establishment of a paper currency, unconnected with specie, it may lead to the imposition of salutary checks against excessive issues, when the necessity of suspending payment may occur.

It has already been said, that every attempt which has been made to introduce a paper currency has failed. It may also be said, that, of all the systems which, during the discussion of this interesting subject, both in Europe and The United States, which have been proposed, none are free from objections. It is possible, that no system can be devised which will be entirely free from objection. To ensure the possibility of employing such a currency with advantage, it is necessary,—

1. That the power of the Government over the currency be absolutely sovereign.
2. That its stability be above suspicion.
3. That its justice, morality, and intelligence be unquestionable.
4. That the issue of the currency be made not only to depend upon the demand for it; but that an equivalent be actually received.
5. That an equivalent can only be found in the delivery of an equal amount of gold or silver; or of public stock.
6. That whenever, from any cause, it may become redundant, it may be funded at an interest a fraction below that which was surrendered at its issue.

1. This proposition needs no elucidation. Coinage, and the regulation of money, have, in all Nations, been considered one of the highest acts of Sovereignty. It may well be doubted, however, whether a sovereign power over the coinage, necessarily gives the right to establish a paper currency. The power to establish such a currency ought not only to be unquestionable, but unquestioned. Any doubt of the legality of the exercise of such an authority could not fail to mar any system which human ingenuity could devise.

2. A metallic currency, having an intrinsic value, independent of that which is given to it by the Sovereign Authority, does not depend upon the stability of the Government for its value. Revolutions may arise; Insurrections may menace the existence of the Government; a metallic currency rises in value under such circumstances. It becomes more valuable, compared with every species of property, whether moveable or immoveable, in proportion to the instability of the Government. Not so with a paper currency; its credit depends, in a great degree, upon the confidence reposed in the stability of the Authority by which it was issued. Should that Authority be overthrown by Foreign Force, or intestine commotion, an immediate depreciation, if not an absolute annihilation of its value, would ensue.

3. It might, however, be saved from such a destruction by a well-grounded confidence in the justice and intelligence of the Government which should succeed that which had been overthrown. The history of modern times furnishes examples that are calculated to inspire this confidence. In France, during the Revolution which has just terminated, the Public Debt was reduced to one-third of its amount. The same rule was applied to the Public Debt of the Dutch Republic, when it fell under French domination. In the successive political changes to which France has, since that period been subjected, the Public Debt and the Public Engagements have been maintained with the strictest good faith. In Holland, that portion of the Public Debt which had been abolished by the French Government has been restored. In the opinion of well-informed men, however, the conditions connected with that restoration were so onerous as to render it almost nominal. Indeed, the Public Debt in that Country had become so disproportionate to the means of the Nation, when deprived of the resources it enjoyed when the Debt was contracted, that the reduction which it underwent while the Country was annexed to the French Empire, was not generally considered an evil. The reduction of the National Debt of France during the Revolution was, perhaps, equally indispensable. If the intelligence of the age, and the influence of public opinion, even in States where the reign of Law was but imperfectly established, have been sufficient to induce the Governments which have alternately succeeded each other for the last 25 years, in France and Holland, to respect the public engagements which had been previously contracted,

well-grounded expectations may be cherished, that the period is rapidly passing away when the public faith of Nations can be violated with impunity.

If public engagements, under such circumstances, have been considered obligatory upon those who have successively administered the affairs of those Nations, a reasonable confidence may be reposed in the fulfilment of the obligations which may be contracted by existing Governments, where the reign of Law is firmly established. It is not denied that a paper currency furnishes strong temptations to abuse. Millions may be issued in a few days; and the deficiencies in the Revenue promptly supplied, if the condition of receiving an equivalent is abandoned. The moment the currency shall be issued as a Financial resource, depreciation will follow, and all the relations of society will be disturbed. If the Government of a Nation, in which a paper currency has been established, shall be deeply impressed with this truth, will it not be restrained from the apprehended abuse? Currency of every kind is liable to great abuses. The history of the coinage of every Nation whose annals are known, is little more than a detail of the frauds which have been practised by Governments upon the People. Until the 20th year of the reign of Edward the III^d. of England, a pound-troy of silver of standard fineness, and a pound sterling, were synonymous terms;—20 shillings sterling being, in fact, a pound-troy of standard silver. Change followed change in rapid succession, until, in the reign of Elizabeth, a pound-troy of standard silver was directed to be coined into 62 shillings. This immense change in the value of the currency was effected in the space of about 2 Centuries. In other modern States, during the same period, changes not less important occurred in the coinage. Frequently, these changes were effected by deteriorating the standard fineness of the coin. For more than a Century past, the coinage of the civilized World has undergone no material change with a view to the practice of fraud upon the People. Whether this forbearance is to be attributed to an improvement in the morality of modern Governments, or to a more correct understanding of the principles of currency, and of the consequences that must result from every change by which the relations of society are affected, it furnishes just ground of expectation that they will not hereafter be attempted. Nothing more is necessary to secure an unalterable adherence to the maxims upon which it is manifestly necessary that a paper currency must be founded, in order to preserve an uniformity of value, than the same morality and the same intelligence. Without assuming the principle of the perfectibility of human nature, the hope may be indulged, that the nature of the currency will continue to command the attention of Statesmen, and that the abuses which have resulted from improper changes in the currency, will not again occur in the same degree.

4. When the currency is metallic, no addition can be made to it without giving an equivalent. It is indispensable that this condition should be annexed to the acquisition of the paper currency, preliminary to its entering into circulation. If it can be put in circulation, only on paying its nominal amount in that which has a general and fixed value, determined by the consent of other Nations, it will continue to preserve that value during the time it circulates, unless the relation which it bore at the time of its issue, to the quantity of articles, the exchanges of which it is destined to perform, shall be varied.

5. As a paper currency is issued upon the National Credit, the whole property of the Nation is pledged for its redemption, whenever, by any circumstance, it may become the interest of the Community, that it should be redeemed. It is, therefore, manifest, that it should not issue upon the credit of any Individual, or Association of Individuals. A part can never be equal to the whole. The credit of any Individual, or Association of Individuals, cannot be equivalent to that of the Nation, of which they form a part. But, it may be said, that, although the credit of Individuals is not equivalent to the credit of the Nation, yet, an equivalent for a particular portion of that credit, may be found in the pledge or mortgage of property of equal or greater value, than the currency issued upon it. This may be true: but the value of property has been continually fluctuating; it will continue to fluctuate;—after giving to the Advocates of a paper currency full credit for the superior stability which, they suppose, will attend its substitution for gold and silver, as the standard of value. But, this is not the only objection to the acceptance of property, as a pledge for the payment, by Individuals, of an equivalent for the paper currency which may be advanced upon such pledge. Frauds will be practised by pledging property which is encumbered, which it would be extremely difficult to detect. The Government will be involved in endless litigation with Individuals who are interested in the incumbrances by which its rights to the property pledged is embarrassed. In such contests, the interest of the Government is always endangered, even where right is on its side. It is not qualified to enter into such litigations, with an equal chance of success. The feelings of the Community are always, except in flagrant cases of fraud, upon the side of an Individual, supposed to be struggling with the overwhelming influence of authority. Besides, in all contests of this nature, something of the respect for the Government, which ought to be cherished by the Citizens, especially of a Free State, will be lost. The situation is invidious, and ought not voluntary to be assumed by a Government, jealous of its dignity and purity of character. It is, therefore, believed that a National currency cannot be issued with safety, with a reasonable prospect of success, and with sufficient security against

redundancy, but in exchange for gold and silver of a definite standard; or for the public stock at certain fixed rates. When issued in exchange for them, and for them alone, there is, though not the same, yet perhaps an equal security against redundancy, as in the case of a metallic currency. When it is issued in exchange for coin, there is no addition made to the currency. When it is issued in exchange for public stock, commanding, previously to the exchange, its par value in coin, the Party, who acquires the currency, parts with that which was equal to specie, and is deprived of the annual interest which it produced. Unless the interest of the currency, resulting from its scarcity, should exceed that paid upon the stock, it would not be demanded in exchange for the stock. In either case, the danger of redundancy is extremely remote. By the exchange of specie for currency, the active capital of the Country will be increased to the amount of the currency; and the capacity of the Nation to redeem it, whenever it shall, by any circumstance whatever, become expedient, will be unquestionable.

But, it may be doubted whether, under such conditions, a paper currency ever can be put in circulation. Under a Government firmly established, conducted by upright and enlightened councils, and possessing absolute power over the currency, it is believed there is no just reason to apprehend a difficulty of that nature. If, in such a Government, Banks existed, deriving their powers from it, the specie in their possession would be gradually exchanged for the paper currency which would become the basis of their operations. Not only the specie which they possessed would be thus exchanged, but exertions would, from time to time, be made to acquire the sums necessary to support their banking operations. Specie would be imported, even at an expense, for the purpose of being exchanged. Whilst specie formed the basis of the operations of Banks, its importation could not fail to be productive of loss. Each importation not only produced the necessity of additional importations, but of an increased expense. But when importations shall be made for the purpose of being exchanged for the currency, the exportation of the specie thus imported will not affect the operations of the Banks. It is only when the funding of the currency shall commence, that they will be admonished to desist from further importations. Individuals and Banks would likewise exchange public stock at the rates prescribed by the system for the paper currency. Whenever the demand for currency should be such as to raise the interest of money considerably above that produced by the public stock, it would, by Banks and Individuals, be given in exchange for the currency. But the facility which the existence of a Public Debt furnishes in procuring the paper currency, is counter-balanced by the difficulty of complying with the public engagement to discharge such Debt in a metallic currency. After a paper circulation shall be substituted for gold and silver, they

will be found in the Country, only in the quantity demanded for manufactures, and for such branches of Commerce as are entirely dependent upon them. A considerable demand for gold and silver by the Government, to meet its engagements, previously contracted, would raise their price in the market, and render the obligation to discharge those engagements, in the precious metals, not only extremely onerous, but perhaps sometimes impracticable. In such a state, a compromise with the Public Creditors would seem to be a preliminary measure. This, under any circumstances, would be a measure of great delicacy and difficulty, and in some cases, would probably be utterly impracticable.

6. Whenever, from any cause, the currency should become redundant, the redundancy may be funded at a rate of interest a fraction below the rate of legal interest.

In determining the rate at which it may be funded, due regard should be paid to the rate of interest previously existing in the State. The rate of interest, it is conceived, ought not to depend, and where a metallic currency prevails, does not depend, solely upon the amount of currency necessary to perform, with facility, the exchanges required by the wants and convenience of society. In a new Country, where there is but a slight accumulation of capital, the interest of money will be high, notwithstanding there may be even a redundancy of currency beyond what is necessary to effect its exchanges. In such a Country, all the objects upon which capital may be employed, except those of the most simple kind, are unoccupied. The currency necessary to effect the exchanges of its property, moveable and immoveable, will be entirely insufficient to satisfy the demand for capital for those objects. If it should be multiplied, so as to equal that demand, it would exceed the demand for the necessary exchanges of society, and, consequently, depreciate. Such, in fact, it is believed, would be the consequence of issuing the currency upon individual credit, or upon the pledge of property, at a rate of interest below that which previously existed in the State. Any change of the interest of money by Law, previous to its having taken place in individual transactions, in consequence of the accumulation of capital, would be unjust, and could not fail to produce serious inconvenience to the Community. Admitting the rate of interest, in a State about to make the experiment, to be 6 per cent., then the currency should be issued only in exchange for specie or 6 per cent. stock, or other stock according to that ratio. If the currency should, when, by any means, a redundancy existed, be fundable at $5\frac{1}{2}$ per cent. interest, the utmost depreciation, to which it could be subject, would be $8\frac{1}{2}$ per cent. But it is probable that the real depression in its value would not, at any time, be more than half that amount. Before funding would commence, the public stock, receivable in exchange for the National currency, would be above the rates at which it was receivable. Its issue upon the exchange of stock would, therefore, have

ceased. There are, in every Community, Capitalists who would prefer lending to the Government at $5\frac{1}{2}$ per cent., than to Individuals at 6. The funding of the currency would, therefore, begin before the redundancy would offer any general inducement to that mode of reducing it. The variation to which its value would be subject, would therefore be less than $8\frac{1}{3}$ per cent. It would be the interest of the Government to reserve the right of redeeming the stock created by funding, at its par value; under the condition, however, of redeeming it according to the order of time in which it was created. Connected with this system, should be a permission to the Banks to purchase public stock, but not to dispose of it, except to the Government, at its par or current value, when under par, unless the Government should decline the purchase. The Currency, upon being funded, should be invariably cancelled. Under a system of this kind, if no other paper was permitted to circulate than the National currency, a redundancy which would affect its value, could only occur by a temporary diminution of the articles which were to be exchanged through its instrumentality. In that event, the price of the articles would be enhanced, so as to require a greater amount of currency to effect their exchange. Should the price not be enhanced, in proportion to the diminution in the quantity of the articles, that portion of the currency which would, under such circumstances, be left without employment, would be funded. A just relation between the amount of currency, and the demand for it, would be promptly restored without affecting, injuriously, the relations between Individuals. On the other hand, should a greater quantity of exchangeable articles be produced, the demand for currency would exceed the supply, and lead immediately to additional issues, until the necessary supply should be obtained.

But, in a State where Banks already existed, which derived their Charters from the sovereignty that regulated the currency; where the People were accustomed to Bank notes, and in the habit of receiving them; the agency of these Institutions might be admitted in supplying a portion of the currency. They might be permitted to issue their notes, payable on demand, in the National currency. Their notes would, of course, be issued on personal security. In this case, the currency might become redundant by the issues of the Banks. Whenever this should happen, the National currency would be demanded of them for the purpose of being funded; the Banks would be compelled to curtail their discounts, to relieve themselves from the pressure, and the amount of the currency would be promptly reduced to the legitimate demand. Wherever the agency of Banks should be employed in furnishing part of the circulation, a refusal, or omission, to discharge their notes on demand, in the National currency, should be treated as an act of Bankruptcy. The National currency being a legal tender in the payment of debts to Individuals and to the Government, would, in relation to the Banks, perform the functions of specie, where Bank notes are convertible

into coin. But, in order to impose a salutary check against excessive issues of Bank notes, the National currency should alone be receivable in all payments to the Government.

In an attempt to trace the probable results of a paper currency, founded upon the principles which have been developed in the preceding pages, the influence which it will have upon foreign exchange requires investigation. The want of stability, morality, and intelligence, in the Government, which may undertake to substitute a paper for a metallic currency, are the objections which have already been considered. To these, according to common opinion, is to be added, the injurious effect which, it is supposed, it will have upon foreign exchange. In a Country, where the currency is metallic, an unfavourable state of foreign exchange will probably have the following effects :

1st. To raise the price of exportable articles as much above that which they ought to bear, as the premium paid upon foreign bills, until it exceeds the expense of exporting specie to the foreign market.

2d. When this rise exceeds the expense of such exportation, the price of exportable articles will fall gradually below what they ought to command, to the extent of that excess.

3d. Until this fall in their price shall be effected, specie will be exported; after which, it will cease.

4th. This fall in their price, by increasing their consumption in the foreign markets, ultimately provides for the return of the specie which had been exported.

5th. During the second and third stages of this process, the price of all articles not exportable, is affected in a greater degree; enterprise is damped, and distress prevails.

Such are the necessary effects of an unfavourable state of foreign exchange, where the currency is metallic. As the vital principle of commerce is gain, it is probable that, generally, the price of exportable articles would, in fact, be rather higher than is stated in the preceding deductions; the timid might export specie, before the premium upon exchange exceeded the expense of its exportation; but timidity is not the predominant characteristic of commercial enterprise. On the other hand, the sanguine and enterprising, relying upon the chance of better markets, would give higher prices, rather than submit to certain loss upon the exportation of specie or the purchase of bills above par.

In a Country where a paper currency has been adopted, and the principles by which a redundancy may be prevented, have been enforced, an unfavourable state of foreign exchange will probably have the following effects :

1st. The effect of raising the price of exportable articles, as much above what they ought to bear, as equals the premium upon foreign bills. But, in this case, gold and silver, being exportable articles, will rise in the same proportion as all other articles.

2d. When the price of all articles is raised so high, that a loss will

be incurred by their sale in foreign markets, those who have no remittances to make will withdraw from the competition. If profitable investments in other enterprises cannot be made, a portion of the currency, at their disposition, will be withdrawn from circulation, by being converted into Funded Stock; competition will, in this manner, be diminished; the price of articles for exportation will be reduced by the reduction of the currency, and by diminished competition among the purchasers. It is not probable, however, that the price will fall so low as to admit of a profit in foreign markets, as long as the premium upon exchange continues above the ordinary commercial profit upon exported articles. But exportation will not be continued at a certain loss, longer than the discharge of debts previously contracted renders indispensable; foreign articles will not be imported, when the loss upon remittances, whether made by Bills of Exchange, or by the exportation of commodities, is equal to the profit upon importation; the high price given for exported articles will increase their production, and restore Foreign Exchange to a favourable state. The balance of trade, and the rate of Foreign Exchange, which have given so much trouble to Statesmen for two Centuries past, when left to the Laws by which they will be governed, in despite of human devices, as invariably regulate themselves, as fluids, when unrestrained, find their common level. They will probably, more promptly conform to these Laws in a State, where a well regulated paper currency prevails, than where it is metallic. In the latter, the currency is exported to make up any temporary deficiency, and by that means provides against the recurrence of the evil, by indirectly causing an increase of the exportable articles of the State, and diminishing the importation of foreign articles. Until the capacity to purchase these by the exchange of articles shall be restored in the former, as the currency cannot be exported, the importations will be more promptly reduced to the capacity of the Country to purchase, whilst the increase of its exportable articles will be the direct, instead of the indirect, consequence, of a temporary incapacity to pay for previous importations.

3d. During the whole process of restoring a favourable state of exchange, in a Country where a well regulated paper currency prevails, the price of all articles not exportable, will suffer no material variation. The funding of the currency, which will probably take place, will not be, immediately, carried so far as to reduce the price of exportable articles so as to command a profit in foreign markets. They will, so long as the rate of exchange is unfavourable, continue to command higher prices than when the exchange is favourable. This increased price will encourage industry and enterprise, and constantly tend to augment the productive energies of the Community. This effect cannot fairly be attributed to any depreciation in the currency. That will continue to bear nearly the same proportion to the ex-

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changeable articles of the State, as when Foreign Exchange was favourable. It is probable even that its relation to those articles will be changed, so as to produce an appreciation of the currency ; and that this appreciation will be perceived, in a slight degree, in the depression of the value of all articles not exportable. The effects of this appreciation will, however, be diminished by the impulse given to industry and enterprize, by the increased price of all articles which can be exported.

These are conceived to be the effects which a well regulated paper currency will have upon the Foreign Exchanges, and upon the domestic industry of the Country which may adopt it. If the value of currency depends, like that of all other articles, upon the quantity compared with the demand, the idea of its depreciation in raising the price of articles, in the case which has been considered, must be rejected. That this position is incontrovertible, seems to have been admitted by all Writers upon the subject. This admission is found in the Reports which have been made to the British Parliament ; in the evidence upon which those Reports have been founded ; and in the Essays of those who have opposed the paper system in that Country, since the Year 1797. The objection to the paper system, as it existed in England, was the absence of all restraint upon the issue of paper, and the supposed impossibility of imposing any efficient restraint. In fact, no attempt has been made to impose such restraint in that Country, unconnected with the convertibility of Bank Notes into the precious metals. So far as this restraint is limited to the convertibility of Bank Notes into bullion, at any given rate, it is rather an attempt to regulate Foreign Exchange through the instrumentality of the Bank, than to confine the issue of Bank Notes to the sound demand for currency. The restraint imposed seems to rest upon the idea, that an unfavourable state of Foreign Exchange must be the result of a redundant currency. Nothing can be more incorrect than this hypothesis. Considering the vitiated state of the currency of England for more than 20 Years past, it is not surprising that this idea should there be entertained. During that period, the unfavourable rate of Foreign Exchange which generally prevailed, was, if not directly, at least indirectly, attributable to the depreciation of their currency. But, in this interval, a favourable rate of Foreign Exchange more than once occurred. To what could this favourable exchange be attributed ? Certainly not to the depreciation of their currency. But it would be as unjust to attribute every unfavourable state of Foreign Exchange to the depreciation of the currency, as to ascribe to that currency the credit of any favourable state of such exchange. The truth is, that fluctuations in the exchange, between two Countries having a metallic currency, continually occur, and depend upon principles wholly unconnected with the idea of a depreciated currency.

If these views be correct, the only obstacles to the establishment of a paper currency, by a Government having a sovereign right to establish it, is the danger of the instability and want of integrity and intelligence of the Government. There is, certainly, just reason to apprehend that emergencies may arise in the affairs of every Nation, in which their stability may be menaced, by foreign force or domestic insurrection. In such an event, a panic might ensue, and the credit of the currency be utterly annihilated. How far the recent examples which have been adverted to in other States, how far the influence of public opinion over the conduct of Governments, may be relied upon, as an efficient preventive against evils of such magnitude, must be determined by those to whom, under Divine Providence, the prosperity and happiness of Nations are committed. The subject involves all the complicated interests of society, except the enjoyment of civil, political, and religious liberty. It ought to be approached with more than ordinary circumspection. In States the best qualified to attempt the change, it is environed with doubts which can only be dispelled by the light of experiment. In The United States these doubts are greatly increased by the complex form of the Government. In the division of power, between the Federal and State Governments, the line of separation is not sufficiently distinct to prevent collisions, which may disturb the harmony of the system. Collisions have already arisen, and, in the course of human events, may be reasonably expected to arise, until the line of separation by which their relative powers and duties are determined, shall be distinctly defined by practice, or by explanatory amendments of the Constitution, effected according to the forms prescribed in that Instrument. Upon no question will collision more likely arise than that contemplated by the Resolution under which this Report is submitted. No attempt to make the change has succeeded. The measure, when stripped of extraneous difficulties, must be admitted to be of doubtful tendency. Under the most auspicious circumstances it may prove abortive. Under circumstances in any degree adverse, it must inevitably fail. Any obstacle opposed to its execution, by one or more of the State Governments, would be decisive of its fate. Their simple acquiescence in the measure would not be sufficient to secure to it that issue, to which the principles upon which it might be established, would necessarily lead. Their active co-operation would be indispensable. The Banks, which derive their authority from the State Governments, are generally bound by their Charters to discharge their notes in specie on demand. From this obligation it would be necessary to the system to relieve them. The obligation to discharge their notes upon demand, in the National Currency, should be substituted for that of paying them in specie.

If these obstacles should be removed, that connected with the Public Debt, which has been suggested in a previous part of the Report,

would still remain. After the substitution of the National Currency, gold and silver would be imported only in the quantity required for manufactures, and for the prosecution of those branches of trade in which they are primary articles of commerce. For these purposes, the importations would be sufficient. They might even be sufficient, and at a reasonable price, for the payment of the annual Interest of the Public Debt. But, after the Year 1824, when the sum of 10,000,000 dollars would annually be expended by the Commissioners of the Sinking Fund, it is probable that the premium which would be paid upon it, would be considerable, until the Debt was extinguished. A compromise, as has already been suggested, with the Public Creditors, would seem to be a measure preliminary to any attempt to establish a paper currency. It is more than probable that the attempt would not only be unsuccessful, but that it would injuriously affect the public credit.

It may, also, be proper to observe, that those Sections of the Union, where a measure of this kind would be most likely to be acceptable, would probably derive from it the least benefit. In the West and in the South, the complaints of a deficient currency have been most distinctly heard. In the latter, these complaints are of recent date. In both they proceed in a greater degree from the disbursement of the Public Revenue than from any other cause. The great mass of Public Expenditure is made to the East of this City. The Revenue accruing from Imports, though principally collected in the Middle and Eastern States, is paid by the great mass of Consumers throughout The United States. That which is paid for the Public Lands, although in some degree drawn from every part of the Union, is principally paid by the Citizens of the West, and of the South. The greatest part of the Revenue accruing from the Public Lands, as well as that collected in the Southern States, upon Imports, has been transferred to the Middle and Eastern States to be expended. The necessity of making this transfer, arises from the circumstance, that the great mass of the Public Debt is held in those States, or by Foreigners, whose Agents reside in them; and from the establishment of Dock Yards and Naval Stations in their principal Ports. This transfer will continue to be necessary until the Public Debt shall be extinguished, and until the other Expenditures of the Government can, consistently with the public interest, be more equally distributed. If a National Currency should be established, the demand for it in the Southern and Western States, for the purpose of transmission, would be incessant; whilst its return, by the ordinary course of trade, especially in the latter, would be slow and in some degree uncertain. The currency, being every where receivable by the Government, would, for the purpose of remittance, be more frequently demanded in that Section than specie, for the same reason, that the notes of the Bank of The United States and its Offices command there, at this time, a premium in specie. As the transfers of the Public

Money are made by the Bank of The United States, the excitement produced by the demand for specie, or funds that can be remitted, consequent upon such transfers, has been directed against that Institution. All the evils which the Community, in particular parts of the Country, has suffered from the sudden decrease of the currency, as well as from its depreciation, have been ascribed to the Bank of The United States, which, in transferring the Public Funds, has been a passive Agent in the hands of the Government.

It is then believed, that the evils which are felt in those Sections of the Union where the distress is most general, will not be extensively relieved by the establishment of a National Currency. The sufferings which have been produced by the efforts that have been made to resume, and to continue, specie payments, have been great. They are not terminated, and must continue until the value of property, and the price of labour, shall assume that relation to the precious metals which our wealth and industry, compared with those of other States, shall enable us to retain. Until this shall be effected, an abortive attempt, by the substitution of a paper currency, to arrest the evils we are suffering, will produce the most distressing consequences. The sufferings that are past will, in such an event, recur with additional violence, and the Nation will again find itself in the situation which it held at the moment when specie payments were resumed.

I have the honour, &c.

WM. H. CRAWFORD.

The Honourable the Speaker of the House of Representatives.

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(A.)—General Statement of the Bank of The United States, and its Offices of Discount and Deposit, at the dates specified herein.

DATE.	Bills dis- counted on personal security.	Bills dis- counted on Bank Stock, &c.	Do- mestic Bills of Ex- change.	Due from Offices of Discount and Deposit.	Due from State Banks.	Real Estate, perma- nent ex- penses, and bonus.	Ex- penses	Cash defi- ciency.	Notes of the Bank, United States, and Branches.	Notes of State Banks.	Specie.	Divi- dends un- claimed	Dis- counts ex- changed and Interest	Due to the Bank, United States, and Offices of Discount and Deposit.	Due to State Banks.	Depo- sits on account of Public Offices.	Depo- sits on account of Indi- viduals.		
Sept. 27	Dollars. 2,002,001	Dollars. 65,000	Dollars. 23,554	Dollars. 30,337,389	Dollars. 882,046	Dollars. 569,937	Dollars. 21,627	Dollars. —	Dollars. 5,633,557	Dollars. 214,771	Dollars. 1,197,941	Dollars. 19,645	Dollars. 49,474	Dollars. —	Dollars. 106,951	Dollars. 271,592	Dollars. 572,125		
20	192,163	150	500	90,552	—	—	801	—	161,555	25,059	9,723	—	3,732	435,312	—	39,030	6,406		
23	272,546	5,610	—	31,046	305,775	—	3,021	—	384,315	21,333	79,986	345	5,031	705,741	156,954	164,511	82,799		
23	316,698	—	58,069	18,900	10,116	—	2,706	—	225,295	25,246	30,055	—	7,955	633,044	11,925	17,081	17,230		
27	217,366	300	1,300	70,399	5,277	—	1,265	—	158,595	22,237	73,641	—	4,846	547,985	7,643	9,669	3,822		
29	1,393,215	61,479	—	203,624	224,225	—	6,550	—	618,530	53,324	313,611	602	29,994	1,978,578	151,112	355,580	363,693		
27	3,591,410	91,000	29,883	155,889	222,950	72,433	5,484	146,454	236,120	53,482	278,498	4,565	53,436	6,608,809	23,405	191,444	143,630		
25	1,005,969	3,785	—	291,724	14,208	46,605	787	—	428,500	5,390	22,270	1,194	13,539	1,630,839	50,657	282,127	105,390		
22	1,742,455	—	—	252,244	3,152	33,692	3,812	—	375,200	46,090	110,320	1,525	32,336	2,312,430	24,482	81,901	195,389		
20	726,705	—	—	227,691	46,564	23,205	3,414	—	27,280	23,476	79,479	126	11,458	1,138,740	—	—	102,887		
22	562,001	—	14,450	6,860	105,022	—	3,093	—	3,540	43,622	87,760	585	13,752	819,633	7,767	21,224	12,597		
14	1,806,732	1,700	5,000	110,827	47,000	50,944	6,036	—	213,610	230,173	261,253	4,650	47,473	2,777,733	29,220	67,614	530,523		
14	1,325,239	—	277,174	99,601	84,784	—	4,758	—	421,110	156,777	84,629	325	31,571	2,330,152	10,872	43,776	96,613		
10	1,210,755	—	109,438	92,992	96,285	—	3,165	—	80,780	22,480	70,035	—	36,838	1,613,097	—	24,295	43,918		
7	634,979	—	435,919	154,814	12,346	—	2,485	—	129,650	54,596	104,306	248	15,020	1,404,773	81,703	—	27,351		
11	458,994	—	17,100	32,896	47,125	—	2,321	—	374,550	14,115	28,870	—	8,134	957,443	1,267	—	9,129		
11	1,501,328	—	300,421	54,892	658,093	—	2,897	—	211,640	29,641	91,485	—	53,214	2,766,441	1,000	—	29,743		
1	1,575,903	38,960	63,873	24,715	174,882	—	2,881	—	535,370	86,002	320,389	—	30,427	2,319,445	10,852	191,651	270,550		
23	639,661	—	38,405	10,668	25,000	14,123	2,875	—	362,650	1,105	10,242	—	11,849	1,120,931	—	4,300	17,649		
	Dollars -	21,226,128	229,024	7,937,515	1,375,057	32,267,712	79,936	146,454	10,582,147	1,133,323	3,254,479	33,814	465,088	32,101,135	675,818	1,765,800	2,631,453		
DATE.	Dr.											Cr.				Dollars.			
1819.	Funded Debt United States, including that pledged by the Charleston Banks, 7,252,501											Capital Stock -				-		- 34,973,828	
	Foreign Bills of Exchange -											Bank, Branch, and Post, Notes				-		- 14,392,258	
	Baring, Brothers, & Co. on account of Bills, favor of J. Richards -											Profit and Loss				-		- 1,104,382	
	Premium and Damages on Bills purchased, on account of Baring, Brothers, and Co.											Due to Baring, Brothers, & Co. and Thomas Wilson, & Co.				-		- 142,040	
	Bills of Exchange received of S. Smith and Buchanan											Premium and Damages on Bills purchased, on account of Baring, Brothers, and Co.				-		- 43,410	
	Deposits on account of Treasurer United States											Bills of Exchange received of S. Smith and Buchanan				-		- 37,355	
												Deposits on account of Treasurer United States				-		- 1,259,003	

Dr.

RECAPITULATION.

Cr.

	Dollars.		Dollars.
Funded debt of The United States, (various) - -	7,252,501	Capital Stock - -	34,973,828
Bills discounted, viz.		Bank, Branch, and Post notes - - -	*14,392,258
On personal security 21,226,128		Dividends unclaimed -	33,814
On ditto and Funded debt - - -	229,024	Discount, exchange and interest - - -	465,088
On ditto and Bank Stock, &c. - - -	7,937,515	Profit and loss - -	1,104,932
	29,392,668	Due to the Bank of The United States and Offices of discount and deposit -	32,101,135
Bills of Exchange, viz.		State Banks - - -	675,818
Foreign - - -	138,470	Baring, Brothers & Co. and Thomas Wilson & Co. - - -	142,040
Domestic - - -	1,375,087	Premium and damages on bills purchased on account of Baring, Brothers and Co. - - -	43,410
	1,513,558	Bills of exchange, received of S. Smith & Buchanan -	37,355
Baring, Brothers and Co. for bills in favor of J. Richards - - -	94,864	Deposits, viz.	
Offices of discount and deposit - - -	32,267,712	On account of the Treasurer of The United States - - -	1,097,163
State Banks - - -	2,964,860	Public Offices - -	1,765,800
Real estate, permanent expenses, and bonus -	780,992	Individuals - - -	2,631,453
Expenses - - -	79,936		5,494,417
Cash, viz.			
Deficient at Baltimore 146,454			
Notes of the Bank of The United States, and Branches - - -	10,582,147		
Ditto ditto State Banks - - -	1,133,923		
Specie - - -	3,254,479		
	15,117,005		
Total Dollars	89,464,100	Total Dollars	89,464,100

	Dollars.	Dollars.	Dollars.
* The total amount of Bank and Branch Bank Notes issued is	-	-	14,392,258
Of which there are on hand at the Bank and Branches -	-	-	10,582,147
In circulation as follows: Notes of the Bank United States	-	864,716	
Do. Offices	-	103,530	
Portsmouth -	-	254,400	
Boston -	-	38,295	
Providence -	-	64,195	
Middletown -	-	448,020	
New York -	-	331,620	
Baltimore -	-	494,475	
Washington -	-	155,580	
Richmond -	-	69,390	
Norfolk -	-	93,130	
Fayetteville -	-	190,890	
Charleston -	-	182,820	
Savannah -	-	73,240	
Lexington -	-	117,680	
Louisville -	-	15,960	
Chillicothe -	-	105,030	
Cincinnati -	-	174,760	
New Orleans -	-	32,680	
Pittsburgh -	-		
		3,810,111	
		Dollars	14,392,258

JONATHAN SMITH, Cashier.

Bank of The United States, 1st October, 1819.

(B.)—*STATEMENT of the Bank Capital in the several States, Districts, and Territories, of The United States, as far as it was known at the Treasury, during the Years 1814, 1815, 1816, and 1817.*

STATE, DISTRICT, OR TERRITORY.	CAPITAL 1814.	CAPITAL 1815.	CAPITAL 1816.	CAPITAL 1817.
	Dollars.	Dollars.	Dollars.	Dollars.
Maine - - -	1,380,000	1,930,000	1,860,000	1,720,000
New Hampshire - -	838,250	942,350	943,350	997,550
Vermont - - -	-	-	-	-
Massachusetts - -	11,350,000	11,600,000	11,650,000	11,300,000
Rhode Island - -	2,317,320	2,317,320	2,317,320	2,317,320
Connecticut - -	3,658,750	4,063,675	3,909,575	4,021,262
New York - - -	17,185,352	17,700,736	17,145,979	16,991,704
New Jersey - -	2,121,932	2,071,957	1,672,115	2,076,465
Pennsylvania - -	14,963,333	15,346,432	15,393,594	15,732,615
Delaware - - -	996,990	973,890	974,500	974,500
Maryland - - -	7,872,002	8,243,422	8,346,782	8,657,147
District of Columbia	4,060,814	4,244,765	4,650,176	5,008,527
Virginia - - -	3,592,000	4,752,460	5,521,415	4,884,565
North Carolina - -	1,576,600	2,594,600	2,776,000	2,796,600
South Carolina - -	3,730,900	3,832,758	3,832,758	3,919,973
Georgia - - -	623,580	1,239,440	1,502,600	1,502,600
Louisiana - - -	1,432,300	1,402,300	1,422,300	1,432,300
Mississippi - - -	100,000	100,000	100,000	200,000
Tennessee - - -	212,962	365,610	498,506	995,500
Kentucky - - -	932,600	2,532,000	2,057,000	2,832,100
Ohio - - -	1,435,819	1,932,108	2,806,737	2,003,969
Indiana - - -	-	-	-	127,624
Missouri - - -	-	-	-	193,125
Bank of The United States - - -	80,378,504	88,185,823	89,380,707	90,676,446
	-	-	-	35,000,000
			Dollars.	125,676,446

(C.)—STATEMENT shewing the condition of the Banks in the several States, Districts, and Territories, of The United States, as far as the same was known at the Treasury Department, in the Year 1819.

STATE, DISTRICT or TERRITORY.	DEBITS OF THE BANKS.					RESOURCES OF THE BANKS.					REMARKS.		
	Capital paid in.	Notes in circu- lation.	DEPOSITS.		Due to other Banks.	Undivided Profits.	Loans or Discounts.	Due by other Banks, in Notes or otherwise.	Specie.	United States' Stocks.		Stocks of incorpo- rated Companies, Bills of Exchange, and other Miscel- laneous effects.	Real Estate.
			Public.	Private.									
Maine -	1,536,666	1,336,753	34,609	253,582	—	39,629	2,512,716	251,730	339,749	—	6,294	90,780	United States' Stock is not generally distinguished in the Returns from Maine and Massachusetts; and not always in others.
Massachusetts -	10,475,116	2,474,107	106,341	2,510,194	4,860	319,134	12,928,188	1,461,303	901,700	128,844	48,498	421,320	
New Hampshire -	1,005,276	580,114	—	117,441	—	68,789	1,446,089	129,587	153,831	—	—	51,112	
Vermont -	44,365	185,342	—	46,121	—	581	77,326	135,269	49,690	—	14,714	—	
Rhode Island -	2,982,026	738,192	38,857	464,654	953	100,059	3,269,044	288,266	406,867	131,660	91,539	137,474	
Connecticut -	467,937	138,234	22,348	53,431	1,748	9,116	496,453	52,688	44,645	109,600	88,040	10,988	
New Jersey -	214,740	110,624	25,417	127,186	15,772	24,784	291,405	53,780	21,413	109,600	40,125	2,200	
Pennsylvania -	8,536,788	3,919,334	37,322	2,880,928	1,009,565	279,192	13,183,861	1,208,828	1,061,067	411,676	405,631	351,537	Notes of specie-paying Banks are sometimes entered as specie, in the Statements of the Pennsylvania Banks.
Delaware -	974,900	405,972	—	211,454	177,237	145,326	1,509,999	120,500	115,502	1,285	75,920	91,684	
Maryland -	86,290	44,435	—	27,153	1,727	2,763	127,579	10,835	21,030	—	—	2,925	
Columbia -	5,525,319	888,030	980,510	464,393	765,510	302,460	6,823,374	749,239	265,234	100,443	635,931	301,970	
Virginia -	5,212,192	2,733,745	37,396	844,659	88,931	72,780	7,326,777	250,988	993,672	—	87,302	330,965	
North Carolina -	2,964,887	3,851,919	—	635,761	142,568	815,476	6,355,928	506,388	705,582	—	152,093	1,90,620	
South Carolina -	1,800,000	788,200	—	377,163	6,047	278,102	2,165,639	63,832	245,487	622,811	75,399	76,341	
Georgia -	600,000	705,203	—	202,481	109,215	51,901	1,175,397	136,325	346,445	—	—	11,700	
Alabama -	321,112	166,686	888,138	70,243	—	23,653	858,729	353,033	192,708	—	60,688	4,675	
Tennessee -	1,545,867	898,129	17,003	262,866	29,884	82,253	2,214,729	218,060	343,884	—	18,905	40,423	
Kentucky -	4,307,431	1,403,404	—	1,035,653	1,752	205,117	5,859,262	243,737	693,381	—	150,610	6,367	
Ohio -	1,697,463	1,203,859	191,454	262,999	575,891	88,283	2,779,314	422,269	433,612	—	294,765	92,999	
Indiana -	202,857	276,288	191,494	25,254	300,278	9,866	395,932	86,350	433,612	—	25,000	2,656	
Illinois -	140,910	52,021	119,036	32,568	206,694	2,994	206,694	59,332	74,715	—	6,614	175	
Missouri -	250,000	135,258	700,679	72,973	—	10,207	456,946	447,941	252,563	—	—	11,667	
Mississippi -	900,000	275,447	—	212,980	—	37,740	1,257,859	56,361	79,608	—	—	32,338	
New York -	51,851,757	23,270,903	3,391,766	11,192,155	3,039,403	2,469,886	73,623,596	7,616,252	7,828,745	1,506,320	2,278,075	2,262,923	This is stated on the authority of a Report made by a Committee of the New York Legislature, at its last Session.
Dollars,	72,340,770	35,770,903	Not stated.	Not stated.	Not stated.	Not stated.	Not stated.	Not stated.	2,000,000	Not stated.	Not stated.	Not stated.	

Later Returns from the Banks in Maine and Massachusetts, and several of the Banks in Pennsylvania, shew the following results:

Maine	Capital increased about 1-13	Circulation increased about 1-30	Specie increased at 8-10	Discounts decreased about 1-52.
Massachusetts	ditto 1-10	decreased 1-19	ditto 5-10	increased 1-25.
Pennsylvania	ditto 1-64	decreased 4-10	ditto 1-13	decreased 1-6.

(D).—*STATEMENT shewing the aggregate amount of the Capital, Circulation, Specie, and Discounts, of several Banks, (sixteen in number) situated in Maine, Massachusetts, Rhode Island, Pennsylvania, District of Columbia, Virginia, South Carolina, Georgia, and Ohio, on the 30th of September, annually, in 1813, 1815, and 1819.*

YEAR.	CAPITAL.	CIRCULATION.	SPECIE.	DISCOUNTS.
	<i>Dollars.</i>	<i>Dollars.</i>	<i>Dollars.</i>	<i>Dollars.</i>
1813	6,903,377	6,845,344	3,059,149	12,990,975
1815	8,852,371	9,944,757	1,693,918	15,727,218
1819	9,711,960	4,259,334	1,726,465	12,959,560

(E).—*STATEMENT shewing the Rate of Exchange between Boston, New York, Philadelphia, and Baltimore, and London, during the Years 1813, 1814, 1815, and 1816; and, also, the price of Specie at New York, and the Rate of Exchange between that Place, Boston, Philadelphia, and Baltimore, during the same period.*

Periods.	AT NEW YORK.					AT BOSTON.	AT PHILA-DELPHIA.	AT BAL-TIMORE.	REMARKS.
	Specie.	Bills on Boston.	Bills on Philadel-phia.	Bills on Balti-more.	Bills on London.	Bills on London.	Bills on London.	Bills on London.	
1813.	Per Cent.	Per Cent.	Per Cent.	Per Cent.	Per Cent.	Per Cent.	Per Cent.	Per Cent.	
January	—	a ½	—	—	d 18	d 18	d 17½ to 19	d 17	
Feb.	—	—	—	—	—	d 17	d 18 to 20	d 17	
March	—	—	—	—	—	d 16½	d 18 to 15	d 16	
April	—	a ½	—	—	d 15	d 16	d 14 to 15	d 15	
May	—	—	—	—	—	d 16	d 16 to 17	d 16	
June	—	—	—	—	—	d 15	d 16 to 17	d 17	
July	—	a ½	—	—	d 15	d 15	d 15 to 17½	d 15	
August	—	—	—	—	—	d 14½	d 16½ to 15	—	
Septem.	—	—	—	—	—	d 14½	d 14½ to 16	—	
October	—	a ½	—	—	d 14	d 14½	d 15 to 12½	d 14 to 15	{ Bills on London fluctuated very much in price, towards the close of December, at Boston and Philadelphia.
Novem.	—	—	—	—	—	d 13	d 12½ to 13	d 10 to 12½	
Decem.	—	—	—	—	—	d 7	d 13 to 5	d 10 to 12½	
1814.									
January	—	a 1	—	—	d 8	d 5	d 5 to 2	—	
Feb.	—	—	—	—	—	d 8	d 6½ to 9	d 5	
March	—	—	—	—	—	d 10	d 7 to 10	d 8	
April	—	a 1½	—	—	d 7½	d 8	d 5 to 8½	d 5	
May	—	—	—	—	—	d 10	d 8 to 10	—	
June	—	—	—	—	—	d 12	d 9 to 12	—	
July	—	—	d 5	—	d 11	d 12½	d 9 to 12	d 10 to 7½	
August	—	—	—	—	—	d 12	d 12 to 13	d 11 to 7	
Septem.	—	—	—	—	—	d 12	d 14 to 7½	d 11 to 7-	{ Specie payments suspended at New York, and south of that place 1st Sept.
October	a 10 to 11	—	—	—	d 5 to 6	d 13½	d 10 to 2½	d 3 to par	
Novem.	—	—	—	—	—	d 12½	d 2½ to 2½ a	par to 2½ a	{ Bills on London fluctuated very much during these 3 months, at Boston and Philadelphia.
Decem.	—	—	—	—	—	d 16	par to 2½ a	2½ to 3 a	
1815.									
January	a 11	a 23	d 2	—	par to 1 a	d 14	1 to 3 a	4 to par	{ News of Peace 13th of this month, when the price of London bills declined.
Feb.	—	—	—	—	—	d 14	3 to 2 d	par	
March	—	—	—	—	—	d 8	2 to 2½ d	par to 2 d	
April	a 12	—	d 3	d 6	d 4	d 8	2½ to par	par to 3½ a	
May	—	—	—	—	—	d 5½	par to 6 a	2 to 7½ a	
June	—	—	—	—	—	d 9	4 to 7 a	7 to 8 a	
July	a 13½ to 15	a 10 to 11	d 4½	d 6	par	d 4½	5½ to 6½ a	8 to 5 a	
August	—	—	—	—	—	d 9	6½ to 10 a	8 to 16 a	
Septem.	—	—	—	—	—	d 3	11 to 7½ a	11½ to 19 a	
October	a 14 to 15	a 13½ to 15	d 5	d 7	a 11	d 2½	16½ to 18 a	18 to 20 a	
Novem.	—	—	—	—	—	d 3½	14 to 9 a	18 to 11 a	
Decem.	—	—	—	—	—	d 2½	10 to 12½ a	14 to 16 a	
1816.									
January	a 20	a 8½	d 4½	d 8	a 7 to 7½	d 1½	10 to 12½ a	14 to 15 a	
Feb.	—	—	—	—	—	par	12 to 13 a	15 to 16 a	
March	—	—	—	—	—	a 3	12½ to 16 a	16 to 20 a	
April	a 12	a 6 to 6½	d 5½	d 10	a 9 to 9½	a 3½	14 to 16 a	18 to 20 a	
May	—	—	—	—	—	par	16 to 20 a	18 to 20 a	
June	—	—	—	—	—	d 1½	17½ to 20 a	20 to 22 a	
July	a 6	a 6	d 10½ to 10½	d 14	a 3½	par	18 to 10 a	20 to 17 a	
August	—	—	—	—	—	a ½	10 to 16½ a	17 to 14 a	
Septem.	—	—	—	—	—	a 3	14 to 15 a	16 to 18 a	
October	a 2½ to 3	a ½ to 1	d 4½ to 5	d 7½	a 6	a 4½	12 to 15 a	17 to 15 a	
Novem.	—	—	—	—	—	a 4½	14 to 16½ a	15 to 9 a	
Decem.	—	—	—	—	—	a 2	5½ to 7 a	9 to 10 a	

NOTE.—The rate of premium is designated by the letter *a*, and the rate of discount by the letter *d*.

PAPERS relative to the Discussions between The United States and Spain, concerning the Cession of the Floridas.—1818 to 1820.

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I.—DOCUMENTS TRANSMITTED TO CONGRESS, WITH THE MESSAGE OF 7TH DECEMBER, 1819.

No. 1.—*Mr. Erving to Mr. Adams.*

(Extract.) *Madrid, 10th February, 1818.*

THE King has lately made large Grants of land in East Florida to several of his Favourites; and I am credibly informed that within these few days he has, by a sweeping Grant, given all the remainder to the Duke of Alagon, Captain of his Guards, and the Count of Punon Rostro, one of his Chamberlains. This is, perhaps, his mode of preparing for a *cheap* Cession of the Territory to The United States.

The Hon. John Quincy Adams.

GEORGE W. ERVING.

No. 2.—*Mr. Erving to Mr. Adams.*

(Extract.) *Madrid, 26th February, 1818.*

THE King has lately made large Grants of land in the Floridas to several of his favourite Servants. The enclosed Papers A. and B. have been furnished to me, as Extracts from the Deeds to the principal Grantees—the Duke of Alagon, Captain of the Body Guards, and the Count of Punon Rostro, one of his Chamberlains. M. Vargas, Treasurer of the Household, has another Grant. In fine, I am led to believe that His Majesty has given away the whole of the lands in that quarter, which had not been previously granted.

The Hon. John Quincy Adams.

GEORGE W. ERVING.

(*Enclosure A.*)—*Grant to the Duke of Alagon.*—(Translation.)

As the uncultivated land not ceded in East Florida, which lies between the banks of the River Saint Luisa and that of Saint John, as far as the mouths by which they empty themselves into the sea, and the Coast of the Gulf of Florida, and the adjacent Islands, with the mouth of the River Hijuelos, in 26th degree of latitude, following the left bank up to its source, drawing a line from Lake Macao, and then descending along the road from the River St. John to the Lake Valdes; crossing another line from the extreme north of said

Lake to the source of the River Amurama, following its right bank as far as its mouth, in the 28th and 25th degrees of latitude, and running along the sea coast, with all the adjacent Islands, up to the mouth of the River Hijuelos.

(*Enclosure B.*)—*Grant to the Count of Punon Rostro.*—(Translation.)

ALL the uncultivated land not ceded in Florida, comprehended between the River Perdido, to the west of the Gulf of Mexico, and the Rivers Amarujo and Saint John, from Popa, until they empty themselves into the sea on the eastern side: by the north, the line of demarkation with The United States, and on the south by the Gulf of Mexico, including the desert Islands on the Coast.

No. 3.—*Mr. Erving to Mr. Adams.*

(Extract.)

Madrid, 5th April, 1818.

IN my Despatch of February 26, I mentioned the Grants of lands in Florida lately made by the King of Spain to several of his Courtiers, and enclosed Extracts from those in favour of the Duke of Alagon and the Count of Punon Rostro. I have just now obtained a Copy of that in favour of Don Pedro de Vargas, Treasurer of the Household, and it is herewith transmitted. I hope soon to be able to obtain full Copies of the Grants to Alagon and Punon Rostro.

The Hon. John Quincy Adams.

GEORGE W. ERVING.

(*Enclosure.*)—*Grant to Don Pedro de Vargas.*—(Translation.)

THE KING:

My Governor and Captain-General of the Island of Cuba and its District, under date of the 25th of January last, Don Pedro de Vargas, manifested to me as follows:

SIRE,

DON PEDRO DE VARGAS, Knight of the Royal Military Order of Alcantara, Treasurer General of the Royal House and Patrimony of Your Majesty, with the most profound respect of your Royal feet, exposes—that there is a quantity of vacant and unpeopled land in the Territory of the Floridas, and desiring that, if Your Majesty shall deign to reward his passable services, and the proofs which he has given of his loyalty, it may be without the least burthen on the Public Treasury, or in prejudice of any third person, as may be done at present by some lands of that Country, he beseeches Your Majesty that, by an effect of your sovereign goodness, you would deign to grant to him the property of the land which lies comprised within the following limits, that is to say: from the mouth of the River “Perdido,” and its Bay in the Gulf of Mexico, following the sea coast, and ascending by the Rivers of “Buen Socorro,” and of “Mobile,” continuing along the “Mobile”

till it touches the northern line of The United States, and descending by that in a right line to the source of the River "Perdido," and following the River "Mobile" in its lower part and the Bay of that name, returns by the sea coast towards the west; comprehending all the Creeks, Entries, and Islands, adjacent, which actually belong to Spain, till it reaches the west line of The United States; then, returning by their northern line, comprehending all the waste lands which belong, or may belong, to Spain, and are in dispute or reclamation with The United States, according to the tenour of the Treaties; and, also, all the waste land not ceded to any other Individual, which is between the River "Hijuelos" in East Florida, and the River "Santa Lucia;" drawing a line from the source of the one River to the source of the other, and following, by the Coast of the Gulf of Mexico, from the mouth of the "Hijuelos" to the point of "Tancha," and doubling this, by the Coast of the Gulf of Florida, to the mouth of the River "Santa Lucia," with the Islands, &c., adjacent.

Considering the contents of this exposition, and attending to the merit of the Individual and his accredited zeal for my royal service, as also to the advantages to result to the State from peopling the said Countries, I have thought proper to accede to the favour which he solicits, in as far as it be not opposed to the Laws of these my Dominions, and communicated it to my Council of the Indies for its fulfilment, in a Royal Order of 2d February last. Consequently, I command and charge you, by this my Royal "Cedula," (Scroll) that, conforming to the Laws which regulate in these affairs, and without prejudice to third persons, that you efficaciously aid the execution of the said Grant, or favour, taking all the measures which may conduce to its due effect, as also to the augmentation of the population, agriculture, and commerce, of the aforesaid Possessions, giving account from time to time of the progress made; for this is my will, and that due notice be taken of this "Cedula" in the Accountant General's Department of the Indies.

Dated in Palace, 10th March, 1818.

I, THE KING.

It is rubricated by order of the King, our Lord.

ESTEVAN VAREA.

It is rubricated—Fees 240 reales of plate.

[Here follow 4 Signatures.]

To the Governor and Captain General of the Island of Cuba and its District :

That he may do what is suitable, to the end that the favour granted to Don Pedro de Vargas, of various lands situated in the Floridas, and other things therein mentioned, may have effect. Corr'da.

[Here follows a Signature.]

Taken notice of this in the Accountant General of the Indies' Department.

JOSEF DE TEXADA.

Madrid, 13th March, 1818.

It is rubricated.—Gratis.

[Here is another Signature.]

No. 4.—Mr. Erving to Mr. Adams.

(Extract.)

Madrid, 26th April, 1818.

I PERCEIVE that M. Pizarro would be very glad to terminate it [the Negotiation] here. In the mean time I shall continue to work with him, to the end that his Communications to M. de Onis may be made as favourable as possible to prompt adjustment of it at Washington. In this view, I asked him yesterday what had been said respecting Florida. He answered vaguely; but I perceived that there was some question of passing it to The United States, in compensation for the Claims. I therefore begged him to prepare, in his Instructions to M. de Onis, for a difficulty which must certainly arise, if any "transaction" of that kind should be proposed; that the Claims in question would probably be liquidated by The United States, in such form, by Commission or otherwise, as might be most convenient to themselves; but that, finally, they must be paid out of the sale of the lands. Now, the King had lately given all those lands away, (as I had duly informed my Government); to complete the "transaction," it would therefore be absolutely necessary that the whole of those Grants should be cancelled. M. Pizarro here held me a long discourse about sovereignty, territorial property, &c. &c. I told him that we had no difference of opinion about those distinctions, and the other matter connected with them, but his error was in supposing that we meant to pay for the sovereignty only. We did not estimate that so highly as he imagined; I enlarged very much upon whatever relates to these points, and brought him to consent that these Grants *might* be cancelled, and indemnity given to the Grantees in New Spain or elsewhere: I say "brought him to consent"—I mean that he said enough to convince me that there will be no difficulty on this head. I am not so certain that I have induced him to send, by his Courier, such Instructions on it to M. de Onis, as may render another reference to his Government unnecessary; but I propose to see him again to-morrow, and to re-urge the matter.

The Hon. John Quincy Adams.

GEORGE W. ERVING.

No. 5.—Mr. Erving to Mr. Adams.

(Extract.)

Madrid, 14th May, 1818.

IN my late private Letter (which was dated April 26) I related to you what passed between M. Pizarro and myself, upon the subject of the Grants of Lands in Florida lately made by the King, and I mentioned that I should see him the day following, and endeavour to press

my opinion on that point, in such way, as, if possible, to obtain that he might in advance instruct M. de Onis in conformity to it. I saw him on the 27th, as I proposed, before the departure of his Courier; whether I produced the desired effect or not, I cannot positively say, but, immediately after, he wrote to the Council of the Indies, in consequence of which the Council sent orders to the Duke of Alagon, and the Count de Punon Rostro, directing them not to make sales of the lands granted to them; this fact, which I had received through a private channel, I ascertained yesterday in conversation with M. Pizarro. I cannot find that the Council has written to the other Grantee, Vargas, but M. Pizarro said that it should have done so: be that as it may, all sales made by the Grantees are, *ab initio*, void, by the Laws of Indies; there are obligations, also, of a very onerous kind imposed by those Laws, on all Grantees, calculated in fine to produce the objects which such Grants have in view, viz. the population and cultivation of the Territory. Obligations, which Grantees of large tracts (under a prohibition to make sale) cannot possibly fulfil; less of all, such Grantees as these, who besides not having a cent, are overwhelmed with debt.

The Hon. John Quincy Adams.

GEORGE W. ERVING.

No. 6.—Mr. Erving to Mr. Adams.

(Extract.)

Madrid, 12th June, 1818.

HE, M. Pizarro, then entered into the principal matters in question, and firstly, spoke of the limits on the side of Florida. He concluded this subject by saying, that, though the King, with a desire to accomodate himself to the views of The United States, had concluded to make the Cession, and to make it as valuable as possible to The United States, as I had seen in the promptitude with which he had acted on my suggestion, and given orders to the Council of Indies, relative to the late Grants, (as particularly communicated to you in my private Letter of May 14) yet His Majesty was fully aware, that the value of the public land in the Territory to be ceded, would be infinitely beyond what The United States could demand under the head of Indemnities; hence, it was reasonable to expect, that the difference should be made up to him by concessions on the other side.

The Hon. John Quincy Adams.

GEORGE W. ERVING.

No. 7.—Mr. Erving to Mr. Adams.

(Extract.)

Madrid, 22d July, 1818.

THE Convention had scarcely been ratified, when I was alarmed by information which I received from a good source, that the King had rescinded the prohibition placed on the late Grantees of land in Florida, as communicated to you by my private Letter of May 14. On this occasion, I wrote a confidential Note to M. Pizarro, pointing out

the evil to result from such a procedure. He replied to me in a way to tranquillize me, and to confirm my opinion of his good faith. Copies of that Correspondence are herewith enclosed.

The Hon. John Quincy Adams.

GEORGE W. ERVING.

(*Enclosure 1.*)—*Mr. Erving to Don José Pizarro.*—(Translation.)
(Private.) *Madrid, 18th July, 1818.*

YOUR Excellency will recollect that Messrs. Alagon, Punon Rostro, and Vargas, were placed, by an Office from the Department of Indies, under certain prohibitions relative to the lands given them by the King; *those prohibitions were considered by you and by me, as annulling the Grants.* On the importance of this measure we are already agreed—now I am informed that M. Vargas has received another Office from the same Department, (Indies,) by which Office the difficulty with regard to him is removed; that is, he is actually free to sell the lands in question, or to profit of them, (always in conformity to the Laws) as may best suit him. I know not whether Messrs. Alagon and Punon Rostro have received similar Offices:—it is to be presumed. This news alarms me, because I foresee that this transaction will throw new difficulties in the way of the Negotiation at Washington. It is in vain to expect that we should arrive at a state of harmony without a transaction which shall embrace all the points in the discussion: the Cession of Florida must make, necessarily, an article in this transaction, and it is quite certain that The United States, in such case, cannot receive Florida as indemnity for its reclamations, if all the Cessions to Individuals, since the date of the Convention, (1802) are not annulled; according to a statement I have just received, through an indirect channel, from Philadelphia, these reclamations may amount to the enormous sum of 25,000,000 of piastres.

The Office written to M. Vargas is, I am persuaded, unknown to you, and cannot have resulted from our late accord, relative to the Convention, but your Excellency will instantly perceive, that it will take that character or appearance, and do infinite mischief. I have already informed my Government of what has passed between your Excellency and me, relative to the affair of Messrs. Alagon and Co. Ought I at present to think that every thing is changed since the Ratification? I cannot too much lament the results. I yet hope that I may have been badly informed relative to the fact in question, but I have my information from a Person who is interested with Vargas, one to whom he had ceded a portion of his interest in the land before he received the first Office; be it as it may, knowing your Excellency is in good faith, and that the affair is worthy of your attention, I have thought it my duty to expose it to you.

Your's, &c.

H. E. M. Pizarro.

GEORGE W. ERVING.

(*Enclosure 2.*)—*Don José de Pizarro to Mr. Erving.*—(Translation.)

SIR,

Sacedon, 19th July, 1818.

I HAVE just received your esteemed Letter, which you addressed to me under yesterday's date, communicating to me your apprehensions respecting the alienation of the Lands in Florida, granted to several Individuals. *I repeat to you all that I have said on this subject*; consequently you may be tranquil: and I flatter myself that nothing will happen which can injure the Negotiations with the Government of The United States, which ought to have been persuaded, long since, of the sincerity which directs the march and policy of the Spanish Government, and of its earnest desire of a happy termination of all the points in discussion, by means of a friendly arrangement.

I renew to you, &c.

Mr. Erving.

JOSE PIZARRO.

No. 8.—Mr. Erving to Mr. Adams.

(Extract.)

Madrid, 20th September, 1818.

THE Paper herewith enclosed is a Copy of the King of Spain's Grant of Lands to the Count of Punon Rostro.

The Hon. John Quincy Adams.

GEORGE W. ERVING.

(*Enclosure.*)—*Grant to Count Punon Rostro.*—(Translation.)

THE KING:

My Governor of the Floridas, Brigadier the Count de Punon Rostro, submitted to me on the 3d of November last, what follows:

SIRE,

THE Brigadier, the Count de Punon Rostro, Grandee of Spain, of the 1st Class, and your Gentleman of the Bed Chamber, in actual attendance, &c. &c., with the most profound respect, submits to Your Majesty:—That he is prompted by the desire of promoting, by all possible means, the improvement of the extensive waste and unsettled Lands possessed by Your Majesty in the Americas, which, by their fertility, offer the greatest advantages, not only to your Memorialist, but to the State, provided due effect, as is hoped, be given to the noble project formed by Your Majesty's Memorialist, of converting a small portion of those deserts into the abode of peaceable christian Inhabitants, whose industry will increase the population of your Kingdoms, promote agriculture and commerce, and thereby add immensely to your Royal Revenues. This enterprize should be conducted by a Person, who, with a knowledge of the Country, would combine the intelligence necessary for comparing the progress made by other Nations in similar situations, and particularly by The United States, which, within a very [1819—20.]

recent period, have advanced their power to an extraordinary height, and especially in the instance of the Mobile Country, adjoining Florida, which, in the last 6 years, has received such an influx of Emigrants as to be converted from a desert waste into a rich commercial Province, highly improved and peopled with more than 300,000 souls. A similar change would be effected in Florida within 18 or 20 years, by the adoption of judicious arrangements, and by those exertions which your Majesty's Memorialist proposes to employ for the promotion of his personal interest, and consequently that of the State. Relying on the merits of the case, and the lively interest felt by Your Majesty in the national prosperity, and in the services and sacrifices of Your Majesty's Memorialist, he humbly requests Your Majesty, that, taking them into consideration, you would be graciously pleased to grant and cede to him, in full right and property, and in the mode and manner required by law, all the waste Lands not heretofore ceded in Florida, lying between the River Perdido, westward of the Gulf of Mexico, and the Rivers Amusafa and St. John's, from Popa to the point where it empties into the Ocean, for the eastern limit; and, for the northern, the boundary line of The United States; and, to the south, by the Gulf of Mexico, including the desert Islands on the Coast. He therefore humbly prays, in consideration of the premises, and the unquestionable advantages to be derived by the Nation, Your Majesty will be pleased to grant this his Petition; and, thereupon, direct the necessary orders to be given to the Local Authorities to afford him all due aid and protection, as well in designating the territory referred to, as in giving full effect to the whole enterprize. All which he hopes from the munificence of Your Majesty.

Having taking the premises into consideration, and bearing in mind the distinguished merits of the Memorialist, and his signal zeal for my royal service, as well as the benefits to be derived by the State from an increase of population in the Countries, the Cession whereof he has solicited, I have judged fit to grant to him the same, in so far as is conformable to the Laws of these my Kingdoms, and to make it known to my Council of the Indies, for its due execution, by a Royal Order of the 17th December, in the year aforementioned; wherefore, I charge and command you, by this my Royal Cedula, with due observance of the Laws to such cases pertaining, to give full and effectual aid to the execution of the said Cession; taking all requisite measures for its accomplishment, without injury to any third party, and to the end, that the said Count of Punon Rostro may forthwith carry his plans into execution, in conformity with my beneficent desires, in favour of the agriculture and commerce of the said Territories, which require a population proportioned to the fertility of the soil, and the defence and security of the Coasts; he giving regular accounts of his proceedings:

for such is my will ; and that due note be taken of the present Cedula in the Office of the Accountant General of the Indies.

Done at the Palace, the 6th of February, 1818.

I, THE KING.

By command of the King, our Lord,

ESTEVAN VAREA.

To the Governor of the Floridas :

That he may take the necessary measures to give due effect to the Grant, in favour of the Count Punon Rostro, of a tract of Country, situate in West Florida, as above specified.

CORR'DA.

Duly noted in the Office of the Accountant General of North America.

JOSEF DE TEJADA.

Madrid, 13th March, 1818.

*No. 9.—Propositions of Don Luis de Onis to Mr. Adams.
(Translation.)*

(Extract.)

20th October, 1818.

2. His Catholic Majesty, to give an eminent proof of his generosity, and of the desire which animates him to strengthen the ties of friendship and of good understanding with The United States, and to put an end to the differences which now exist between the 2 Governments, cedes to them, in full property and sovereignty, the Provinces of East and West Florida, with all their Towns and Forts, such as they were ceded by Great Britain in 1783, and with the limits which designated them in the Treaty of Limits and Navigation, concluded between Spain and The United States on the 27th October, 1795 : *the donations or sales of Lands made by the Government of His Majesty, or by legal Authorities, until this time, are, nevertheless, to be recognized as valid.*

No. 10.—Mr. Adams to Don Luis de Onis.

(Extract.) *Department of State, Washington, 31st October, 1818.*

NEITHER can The United States recognize, as valid, all the Grants of Land until this time, and at the same time renounce all their claims and those of their Citizens for damages and injuries sustained by them, and for the reparation of which, Spain is answerable to them. It is well known to you, Sir, that notice has been given by the Minister of The United States in Spain, to your Government, that all the Grants of Land lately alleged to have been made by your Government within those Territories, must be cancelled, unless your Government should provide some other adequate fund, from which the Claims above referred to, of The United States and their Citizens, may be satisfied.

From the Answer of Don José de Pizarro to this notice, we have reason to expect that you will be sensible of that necessity, and that

some time may be agreed upon, subsequent to which no Grant of Lands, within the Territories in question, shall be considered as valid.

H. E. Don Luis de Onis.

JOHN QUINCY ADAMS.

No. 11.—Don Luis de Onis to Mr. Adams.—(Translation.)
(Extract.)

Washington, 16th November, 1818.

MY second Proposal has been admitted by your Government, with this modification—that all Grants, and Sales of Land, made by His Catholic Majesty, or by lawful Spanish Authorities, in the Floridas, from the Year 1802, to the present, shall be null and void. To this modification, in its absolute sense, I cannot assent; inasmuch as it is offensive to the dignity and imprescriptible Rights of the Crown of Spain, which, as the legitimate Owner of both the Floridas, had a right to dispose of those Lands as it pleased. And further, as the said modification would be productive of incalculable injury to the *bonâ fide* Possessors, who have acquired, settled, and improved, those Tracts of Land.

The extent of what I can agree to is, that the late Grants made by His Majesty in the Floridas, since the 24th of January last, the date of my first Note, announcing His Majesty's willingness to cede them to The United States, (the said Grants having been made with a view to promote population, cultivation, and industry, and not with that of alienating them,) shall be declared null and void, in consideration of the Grantees not having complied with the essential Conditions of the Cession, as has been the fact.

The Hon. John Quincy Adams.

LUIS DE ONIS.

No. 12.—Don Luis de Onis to Mr. Adams.—(Translation.)
SIR,

Washington, 11th January, 1819.

I HAVE just received a Courier Extraordinary of my Government, and, by the Despatches he has brought me, I am authorized by His Majesty to give a greater extent to the Proposals which I made to you, for adjusting and terminating amicably all the subjects in dispute between the 2 Powers.

As the great difficulty which has hitherto opposed this desirable arrangement is the exact demarcation of the Line which divides, or should divide, the Dominions of the Crown of Spain from the Territory of The United States, westward of the Mississippi; and, as you were pleased to state to me, in your Note of 30th November last, that the principal motive which induced the President to withdraw the Proposals which you had made to me, by his direction, was the want of Instructions authorizing me to extend the Boundary Line to the Pacific Ocean; I have the honour to inform you, that His Majesty, although then unacquainted with the Proposals made by you to me, in your Note of the 31st October, with a view to give an eminent proof of His

sincere and generous friendship for this Republic, has been pleased to authorise me to settle this point, and others embraced by former Proposals. If the President should agree to your entering into an amicable arrangement of them, and also, to modify, on his part, the Proposals you have made to me, I do not doubt that, either by Correspondence, or in Conference, we may speedily attain the desired object,—the termination of this interesting affair. I flatter myself that the President, as well as the whole American People, cannot but fail to acknowledge, in this disposition of His Majesty, (before He had a knowledge of the exorbitant pretensions of your Government,) the good faith and generosity of His proceeding; and to admit, that a measure at once so frank, and so decided, claims a correspondent feeling on the part of this Republic; the maintenance of perfect amity and good correspondence between the 2 Powers being obviously calculated to promote the best interests of both.

In the expectation of being soon favoured with the decision of the President, I beg leave to renew, &c.

The Hon. John Quincy Adams.

LUIS DE ONIS.

No. 13.—*Don Luis de Onis to Mr. Adams.*—(Translation.)

SIR,

Washington, 16th January, 1819.

IN consequence of the wish expressed by you yesterday, in the interview to which you were pleased to invite me, that I would state the Proposals which I am authorised to make, by the fresh Instructions I have received by a special Messenger from my Government, and relying on your assurances, that, notwithstanding the Proposals you had made to me, the President would take those into consideration which I might make anew for the purpose of settling amicably all pending differences, I have the honour to confirm to you those which I made in my Note of the 16th of November last; and to add thereto, that His Majesty will agree that the Boundary Line between the 2 States shall extend from the source of the Missouri, westward, to the Columbia River; and, along the middle thereof, to the Pacific Ocean. If this basis should be accepted by the President, as I trust it will, inasmuch, as it presents the means of realising his great plan of extending a navigation from the Pacific to the remotest points of the Northern States, and of the Ocean, and of enlarging the Dominions of the Republic by the acquisition of both the Floridas, I will have no hesitation in agreeing to an arrangement honourable and satisfactory to both Nations, upon the point on which we differ, relating to the indemnity claimed for the injuries resulting from the occupation of the Territories of the King by the Forces of this Union.

I conceive that you, as well as the President and the whole American People, cannot but see, in this evidence of the spirit of conciliation by which His Catholic Majesty is actuated, a certain pledge of his desire

to strengthen and cement the ties of friendship with this Republic; and I trust that the Answer of the President will correspond with the sacrifices made by His Majesty, as well with a view to the prompt satisfaction of the Citizens of The United States, for whatever injuries they may have sustained, as to the complete removal of every cause of future disagreement between the 2 Nations. But if, contrary to my expectations, this should not be the case, I shall feel a sincere regret in seeing this desirable arrangement protracted, until His Majesty, on being made acquainted with the extraordinary pretensions of your Government, by the Despatches of which Don Luis Noeli, the Secretary of this Legation, was the Bearer, may transmit to me such Orders as He may deem expedient. I renew to you the assurances, &c.

The Hon. John Quincy Adams.

LUIS DE ONIS.

No. 14.—Mr. Adams to Don Luis de Onis.

SIR, *Department of State, Washington, 29th January, 1819.*

Your Letter of the 16th instant has been submitted to the consideration of the President of The United States, by whose directions I have the honour of informing you, that the Proposal to draw the western Boundary Line, between The United States and the Spanish Territories on this Continent, from the Source of the Missouri to the Columbia River, cannot be admitted. I have to add, that, for the purpose of an immediate arrangement of affairs with Spain, this Government repeats the Proposal contained in my Letter to you of the 31st October last;* and, if you are not authorised to agree to it, we are willing to adjust the other subjects of difference, leaving that to be settled hereafter. But, if your powers are incompetent to accept either of these offers, the President thinks it useless to pursue the discussion, any further, of subjects upon which there can be no hope entertained of concluding an Agreement between us.

Be pleased to accept the assurance, &c.

His Excellency Don Luis de Onis.

JOHN QUINCY ADAMS.

No. 15.—Don Luis de Onis to Mr. Adams.—(Translation.)

SIR, *Washington, 1st February, 1819.*

I HAVE received your Note of the 29th January, in which you are pleased to state to me, that, having laid before the President my Note of the 16th, he has directed you to inform me, that my Proposal to fix the Boundary between the 2 States, by a Line from the source of the River Missouri to the Columbia, and along the course of the latter to the Pacific, is inadmissible; but that, with a view to an immediate arrangement of affairs with Spain, you repeat to me the Proposal contained in your Note of the 31st October last, and add, that, if I am not authorised to agree to it, we may adjust the other subjects of difference, leaving that to be settled hereafter.

* Communicated to Congress, 14th Dec. 1818.

My powers authorise me to adjust all such differences as His Majesty was apprised of, at the date of the last Despatches, which are of the 4th November. The Proposal referred to by you is of the 31st October preceding; and, in all probability, no Answer to it can be expected before the middle or end of March. Taking into consideration, however, on the one hand, the earnest desire of His Catholic Majesty to terminate those matters before the rising of Congress, and, thereby, to avoid the further delay of a twelve-month in settling the indemnities claimed by the Citizens of the Union; and, on the other, the probable anxiety of your Government to carry into execution the Establishments contemplated in the Floridas, I am prepared to take upon myself the definitive settlement of the points in controversy, provided the President, animated by correspondent feelings, is willing to modify the Proposals made to me, so as to render them consistent and compatible with the interests of both Powers.

I have proved to you, in the most satisfactory manner, that neither the Red River of Natchitoches, nor the Columbia, ever formed the Boundary of Louisiana: but, as you have intimated to me, that it is useless to pursue the discussion any further, I acquiesce with you therein; and I agree that, keeping out of view the rights which either Power may have to the Territory in dispute, we should confine ourselves to the settlement of those points which may be for the mutual interest and convenience of both.

Upon this view, therefore, of the subject, and considering that the motive for declining to admit my Proposal, of extending the Boundary Line from the Missouri to the Columbia, and along that River to the Pacific, appears to be the wish of the President to include, within the limits of the Union, all the Branches and Rivers emptying into the said River Columbia, I will adapt my Proposals on this point so as fully to satisfy the demand of The United States, without losing sight of the essential object,—namely, that the Boundary Line shall, as far as possible, be natural, and clearly defined, and leave no room for dispute to the Inhabitants on either side.

Having thus declared to you my readiness to meet the views of The United States, in the essential point of their demand, I have to state to you, that His Majesty is unable to agree to the admission of the Red River, to its source, as proposed by you. This River rises within a few leagues of Santa Fé, the Capital of New Mexico; and, as I flatter myself, The United States have no hostile intentions towards Spain, at the moment we are using all our efforts to strengthen the existing friendship between the 2 Nations, it must be indifferent to them to accept the Arkansas, instead of the Red River, as the Boundary. This opinion is strengthened by the well known fact, that the intermediate space between those 2 Rivers is so much impregnated with nitre, as scarcely to be susceptible of improvement.

In consideration of these obvious reasons, I propose to you, that, drawing the Boundary Line from the Gulf of Mexico, by the River Sabine, as laid down by you, it shall follow the course of that River to its source; thence, by the 94th degree of longitude, to the Red River of Natchitoches, and along the same to the 95th degree; and, crossing it at that point, to run by a Line due north to the Arkansas, and along it to its source; thence, by a Line due west, till it strikes the source of the River St. Clemente, or Multnomah, in latitude 41°, and along that River to the Pacific Ocean. The whole agreeably to Melish's Map.

In case this basis, which not only approximates your Proposals, but fulfils, in every essential point, the wishes you have stated to me, be admitted by the President, His Majesty, with a view to give The United States a more convincing proof of his generosity, and his desire to strengthen the bonds of amity with this Republic, consents to relinquish the claim of indemnity for the injuries sustained by His Treasury, in consequence of the invasion of the Floridas, reserving only to the Inhabitants of the same their right to what may appear to be justly due to them, for their losses by that event.

It is understood, that the Convention of 1802, lately ratified, is annulled, as it relates to the Indemnity for injuries and losses claimed by The United States, or their Citizens, of Spain; inasmuch, as full compensation for the same is to be made to them by the sales of the Lands in the 2 Floridas, and in the immense Possessions westward of the Mississippi, ceded by His Majesty in virtue of that Treaty: and, that The United States, actuated by the most sincere desire to remove every cause of difference between the 2 Nations in future, will take into consideration the necessity of establishing such Regulations as, in their wisdom, they may deem most expedient to prevent the evasion of the Laws of the Republic, to the injury of the Commerce of the Subjects of His Catholic Majesty.

I renew to you, Sir, the assurances, &c.

The Hon. John Quincy Adams.

LUIS DE ONIS.

No. 16.—Project of an Article describing the Western Boundary: communicated to Don Luis de Onis, by the Secretary of State. Washington, 6th February, 1819.

ARTICLE.—It is agreed, that the western Boundary between The United States and the Territories of Spain shall be as follows:—Beginning at the mouth of the River Sabine, on the Gulf of Mexico; following the course of the said River to the 32° of latitude, the eastern bank of all the Islands in the River to belong to The United States, and the western bank to Spain; thence, due north, to the northernmost part of the 33° of north latitude, and until it strikes the Rio Roxo, or Red River; thence, following the course of said River to the northernmost point of the bend between longitude 101° and 102°;

thence, by the shortest Line, to the southernmost point of the bend of the River Arkansas, between the same degrees of longitude 101 and 102; thence, following the course of the River Arkansas to its source, in latitude 41° north; thence, following the same parallel of latitude 41°, to the South Sea. The northern banks, and all the Islands in the said Red and Arkansas Rivers, on the said Boundary Line, to belong to The United States, and their southern banks to Spain; the whole being, as laid down in Melish's Map of The United States, published at Philadelphia, improved to the 1st of January, 1818. But, if the source of the Arkansas River should fall south or north of latitude 41°, then the Line from the said source shall run due north or south, as the case may be, till it meets the said parallel of latitude, and thence, as aforesaid, to the South Sea. And it is further agreed, that no Spanish Settlement shall be made on any part of the said Red or Arkansas Rivers; nor, on any of the Waters flowing into the same; nor any east of the chain of Snowy Mountains, between the latitudes 31° and 41°, inclusively; and that the navigation of said Rivers shall belong exclusively to The United States for ever.

No. 17.—Project of a Treaty delivered by Don Luis de Onis to the Secretary of State, Washington, 9th February, 1819.

[Translation, sent by Don Luis de Onis.]

His Catholic Majesty and the United States of America, desiring to consolidate, on a permanent basis, the friendship and good correspondence, which happily prevail between the 2 Parties, have determined to settle and terminate all their differences and pretensions, by a Treaty, which shall designate with precision the limits of the one and the other, the settlement whereof will be productive of general advantage and reciprocal utility to both Nations.

With this intention, His Catholic Majesty has appointed the most excellent Don Luis de Onis Gonzales y Vara, Lord of the Town of Rayaces, perpetual Regidor of the Corporation of the City of Salamanca, Knight Grand Cross of the Royal American Order of Isabella the Catholic, decorated with the Lys of La Vendée, Knight Pensioner of the Royal and distinguished Spanish Order of Charles III. Member of the Supreme Assembly of the said Royal Order, of the Council of His Catholic Majesty, His Secretary with exercise of Decrees, and His Envoy Extraordinary and Minister Plenipotentiary near the United States of America; and the President of The United States, with the advice and consent of the Senate, has appointed Mr. John Quincy Adams, Secretary of State of The United States.—And the Plenipotentiaries, after having exchanged their Powers, have agreed upon and concluded the following Articles:

ART. I. There shall be a firm and inviolable peace and sincere friendship between His Catholic Majesty, his Successors and Subjects,

and The United States and their Citizens, without exception of Persons or Places.

II. His Catholic Majesty, desiring to give a distinguished proof of His friendship to The United States, cedes to them, in full Property and Sovereignty, all the Territories which belong to Him, situated to the eastward of the Mississippi, known by the names of East and West Florida, such as they were ceded to him by Great Britain, in 1783; and with the limits by which they are designated in the Treaty of Limits and Navigation, concluded between Spain and The United States, on the 27th October, 1795.

III. The adjacent Islands dependent on said Provinces, Places, Public Squares, Public Edifices, Fortifications, Barracks, and other Buildings which are not the property of some Private Individual, Archives, and Documents, which relate directly to the Property and Sovereignty of said Provinces, are included in this Article.

IV. That at no time whatever there may be any dispute or mistake in the Boundaries which shall separate, in future, the Territories of His Catholic Majesty and those of The United States, to the westward of the Mississippi, the 2 High Contracting Parties have agreed to fix them in the following manner:—The Boundary Line between the 2 Countries shall begin on the Gulf of Mexico, at the mouth of the River Sabine in the Sea; continuing north, along the middle of that River, to the 32° of latitude; thence, by a line due north, to the 33° of latitude, where it strikes the Rio Roxo of Natchitoches, *Red River*, following the course of the Rio Roxo to the westward to the 100° of longitude; and the 33½° of latitude, where it crosses that River, thence, by a line due north, by the said 100° of longitude from London, according to Melish's Map, till it enters the River Arkansas; thence, along the middle of the Arkansas to the 42° of latitude; thence a line shall be drawn to the westward by the same parallel of latitude to the source of the River San Clemente, or Multnomah, following the course of that River to the 43° of latitude; and thence, by a line due west, to the Pacific Ocean. All the Country belonging to His Catholic Majesty, included in said line to the eastward, His Majesty cedes to The United States, in full Property and Sovereignty, for ever; as also the Islands in the River Sabine, Red River of Natchitoches, Arkansas, and Multnomah, that may be situated within the limits which are here pointed out; both Parties to maintain the Navigation of all of them free as respects the parts thereof which constitute their Frontiers.

V. To fix this line with more precision, and to place the landmarks which shall designate exactly the limits of both Nations, each of the Contracting Parties shall appoint a Commissioner and a Surveyor, who shall meet before the termination of one year from the date of the Ratification of this Treaty, at Natchitoches, on the Red River, and

proceed to run and mark the said line, in conformity to what is above agreed upon and stipulated; they shall make out plans and keep journals of their proceedings, and the result agreed upon by them shall be considered as part of this Treaty, and shall have the same force as if it were inserted therein. The 2 Governments will amicably agree, respecting the necessary articles to be furnished to these Persons, and also as to their respective Escorts, should such be deemed necessary.

VI. The Inhabitants of the ceded Territories shall be secured in the free exercise of their religion without any restriction; and all those who may desire to remove to the Spanish Dominions shall be permitted to sell or export their effects, at any time whatever, without being subject in either case to Duties.

VII. The Inhabitants of the 2 Provinces aforesaid, and those in all the Territories which His Catholic Majesty cedes to The United States by this Treaty, shall be incorporated in the Union of The United States as soon as possible, agreeably to the principles of the Federal Constitution, and admitted to the enjoyment of all the privileges, rights, and immunities, of the other States.

VIII. The Territories of the 2 Floridas, which, at the time of the delivery which is to be made of them to The United States, should be occupied by the Troops or Authorities of the Republic, shall be delivered to the Commissioners whom His Catholic Majesty, or the Captain-General of The Havana, may send for that purpose, in order that the said Territories may be delivered up in a regular manner to the Commissioners or Officers appointed by The United States to receive them.

IX. All the Grants of Lands made by His Catholic Majesty, or by His legitimate Authorities, in the aforesaid Territories of the 2 Floridas, and others which His Majesty cedes to The United States, shall be confirmed and acknowledged as valid, excepting those Grants which may have been made after the 24th of January of last year, the date that the first Proposals were made for the Cession of these Provinces, which shall be held null, in consideration of the Grantees not having complied with the conditions of the Cession.

X. The 2 Contracting Parties, animated by the most sincere desire of conciliation, and with a view of eradicating all the dissensions which have existed between them, and to secure that good harmony which they desire perpetually to maintain with each other, reciprocally renounce all Claims for damages, or injuries, which they themselves, as well as their respective Subjects and Citizens, may have suffered until the time of signing this Treaty.

1. The renunciation of The United States will extend to all the injuries mentioned in the Convention of the 11th August, 1802.

2. To all Claims of Prizes made by French Privateers, and con-

demned by French Consuls, within the Territory and Jurisdiction of Spain.

3. To all Claims of Indemnities, on account of the suspension of the right of Deposit at New Orleans.

4. And to all the Claims of Citizens of The United States upon the Government of Spain, in which the interposition of the Government of The United States may have been solicited before the date of this Treaty, and since the date of the Convention of 1802, and which may have been made to the Department of State of this Republic, or to the Minister of The United States in Spain.

The renunciation of His Catholic Majesty extends—

1. To all the injuries mentioned in the Convention of 11th August, 1802.

2. To the sums which His Catholic Majesty advanced for the return of Captain Pike from the Provincias Internas.

3. To all injuries caused by the Expedition of Miranda, fitted out and equipped at New York.

4. To the Revenue collected by The United States in the Territories of Florida that have been occupied by their Troops, and to the indemnities which His Catholic Majesty is entitled to, for the injuries caused to his Royal Crown by those invasions.

Finally; To all Claims of Subjects of His Catholic Majesty upon the Government of The United States, in which the interposition of His Catholic Majesty's Government has been solicited, before the date of this Treaty, and since the date of the Convention of 1802, or which may have been made to the Department of Foreign Affairs of His Majesty, or to His Minister in The United States.

XI. The Convention entered into between the 2 Governments on the 11th August, 1802, the Ratifications of which were exchanged the 21st December, 1818, is annulled in that part which relates to the payment of the injuries which The United States and their Citizens claim; it being agreed between the 2 High Contracting Parties, that these injuries shall be paid, integrally, by The United States, from the proceeds of the Public or Crown Lands of the 2 Floridas and other Territories ceded by His Catholic Majesty in this Treaty; so that both Governments consider all their Claims, and those of their Subjects and Citizens, as cancelled from this date; excepting those Claims which the Citizens of The United States may have against Spanish Individuals, or which the latter may have upon the Citizens of this Republic.

XII. The Treaty of Limits and Navigation of 1795 remains confirmed in all, and each one, of its Articles, excepting the II^d, III^d, IVth XXIst, and the second Clause of the XXII^d Article, which, having been altered by this Treaty, are no longer valid.

With respect to the XVth Article of the same Treaty of Friendship, Limits, and Navigation, of 1795, in which it is stipulated that the

Flag shall cover the property, the 2 High Contracting Parties agree, that this may be so understood, with respect to those Powers who recognize this principle; but if either of the 2 Contracting Parties shall be at War with a third Party, and the other Neutral, the Flag of the Neutral shall cover the property of Enemies whose Governments acknowledge this principle, and not of others.

XIII. In order to avoid frauds, and the great evils which arise from concealing the destination of Vessels, by clearing out in general terms for the West Indies, Spanish Main, Europe, &c. the 2 High Contracting Parties have agreed, that, in future, all Merchant Vessels, belonging to their respective Subjects or Citizens, shall be cleared out for a specified Port, either at their respective Custom-houses, or in those of other Powers from whose Ports said Vessels may depart in continuation of their primitive voyage; or in case they should undertake a new one. And the Merchant Vessels of either of the 2 Nations that, in violation of their Clearances, should enter other Ports without justifying the motives which induced them to it, or should be met with on the high seas by their Vessels of War or Privateers cleared out in violation of this Article, shall be detained, proceeded against, and, upon conviction, forfeited.

XIV. In case there shall be just cause to suspect the character of the Vessels, or which should not be cleared out for a specified Port, as is stipulated in the preceding Article, or that the Cargo belongs to Enemies of either of the Contracting Parties, whose Governments do not recognize the principle that the Flag covers the property, or which shall consist of articles contraband of war, such Vessels may be detained and sent to the nearest and most convenient Port to which the Ship of War or Privateer that may have detained such a Vessel belongs; where she shall be adjudged agreeably to the Law of Nations, and the practice established by other Maritime Powers. And it is agreed that adjudication shall be had with the least delay possible; and if it shall be proved that the detention or capture was unjust, it shall not only be the duty of the Tribunal where the Case was tried to release the Vessel and Cargo, but it shall decide the corresponding indemnity for the damages and injuries that may have been sustained, to be paid by the Captors, and, in their defect, by the Government by whom they shall be commissioned.

XV. Both Contracting Parties, wishing to favour their mutual commerce, by affording in their Ports every necessary assistance to their respective Merchant Vessels, have agreed that the Sailors who shall desert from their Vessels in the Ports of the other, shall be arrested and delivered up at the instance of the Consul, who shall prove, nevertheless, that the Deserters belong to the Vessels that claim them, exhibiting the Document that is customary in their Nation, that is to say, that the Spanish Consul in an American Port shall exhibit

the Roll of the Vessel ; and the American Consul in a Spanish Port the Document known by the name of Articles ; and if the name of the Deserter or Deserters who are claimed shall appear in the one or the other, they shall be arrested, held in custody, and delivered to the Vessel to which they shall belong.

XVI. His Catholic Majesty having condescended to make the Cessions to The United States which are specified in the present Treaty, in compliment to The United States, with the object of cancelling all the Claims they have demanded of the Royal Crown, The United States will certify, in due form, that they have not received any compensation from France for the injuries they suffered from her Privateers, Consuls, and Tribunals, on the Coasts and in the Ports of Spain ; and they will present an authentic Statement of the Prizes made, and of their true value, that Spain may claim from France the return of this amount.

XVII. It being mutually advantageous to the commerce of Spain and of The United States, to facilitate the communication between both Nations for a limited time, in the Territories ceded by this Treaty, until they can agree upon the regulations relating to commerce, which may be best adapted to favour the same, the 2 High Contracting Parties agree that Spanish Vessels which may arrive loaded solely with the produce or manufactures of Spain, directly from the Ports or Colonies, shall be admitted into all the Ports of the 2 Floridas that may be lawfully open to the trade of other Nations, for the space of 12 years, without paying more duties for their produce or merchandise, nor greater Tonnage Duty, than what are paid by Vessels of The United States.

During said time, no other Nation shall be entitled to the same privileges in the ceded Territories. The 12 years shall begin 3 months after exchanging the Ratifications of the present Treaty ;—at the expiration of said time, Spanish Vessels shall be received in said Territories on the same footing as the most favoured Nations.

XVIII. The present Treaty shall not be in force until ratified, in due form, by the Contracting Parties ; and the Ratifications shall be exchanged in 6 months, from this time, or sooner, if possible.

In witness whereof, we, the under-written Plenipotentiaries of His Catholic Majesty and of The United States of America, have signed, by virtue of our Powers, the present Treaty of Friendship and Limits, and have thereunto affixed our Seals respectively.

Done at Washington, this day of February, 1819.

No. 18.—Counter Project of a Treaty, communicated by Mr. Adams to Don Luis de Onís, the 13th of February, 1819.

THE United States of America, and His Catholic Majesty, desiring to consolidate, on a permanent basis, the friendship and good correspondence which happily prevail between the 2 Parties, have deter-

mined to settle and terminate all their differences and pretensions, by a Treaty, which shall designate, with precision, the Limits of their respective bordering Territories in North America.

With this intention, the President of The United States has furnished with their Full Powers, John Quincy Adams, Secretary of State of the said United States, and His Catholic Majesty has appointed the Most Excellent Lord Don Luis de Onis Gonzales Lopes y Vara, Lord of the Town of Rayaces, Perpetual Regidor of the Corporation of the City of Salamanca, Knight Grand Cross of the Royal American Order of Isabella the Catholic, decorated with the Lys of La Vendée, Knight Pensioner of the Royal and distinguished Spanish Order of Charles the III, Member of the Supreme Assembly of the said Royal Order, of the Council of His Catholic Majesty, His Secretary, with exercise of Decrees, and His Envoy Extraordinary and Minister Plenipotentiary near the United States of America.

And the said Plenipotentiaries, after having exchanged their Powers, have agreed upon and concluded the following Articles:

ART. I. There shall be a firm and inviolable peace and sincere friendship between The United States and their Citizens, and His Catholic Majesty, His Successors, and Subjects, without exception of persons or places.

II. His Catholic Majesty cedes to The United States, in full property and sovereignty, all the Territories which belong to Him, situated to the eastward of the Mississippi, known by the name of East and West Florida. The adjacent Islands, dependent on said Provinces, all public Lots and Squares, vacant Lands, Public Edifices, Fortifications, Barracks, and other Buildings, which are not private property, Archives and Documents, which relate directly to the property and sovereignty of said Provinces, are included in this Article. The said Archives and Documents shall be left in possession of the Commissaries, or Officers, of The United States, duly authorised to receive them.

III. The Boundary Line between the 2 Countries, west of the Mississippi, shall begin on the Gulf of Mexico, at the mouth of the River Sabine, in the Sea; continuing north, along the western bank of that River, to the 32d degree of latitude; thence, by a line due north, to the degree of latitude where it strikes the Rio Roxo, of Natchitoches, or *Red River*; thence, following the course of the Rio Roxo, westward to the degree of longitude 102 west from London, and 25° from Washington; then, crossing the said Red River, and running thence, by a line due North, to the River Arkansas; thence, following the course of the southern banks of the Arkansas, to its source, in latitude 41° North; and thence by the parallel of latitude, to the South Sea; the whole being, as laid down in Melish's Map of The United States, published in Philadelphia, improved to the 1st of January, 1818. But if the source of the Arkansas river should be found to fall north or

south of latitude 41°, then the line shall run from the said source due south or north, as the case may be, till it meets the said parallel of latitude 41; and thence, along the said parallel, to the South Sea; the Sabine and the said Red and Arkansas River, and all the Islands in the same, throughout the course thus described, to belong to The United States; and the western bank of the Sabine, and the southern banks of the said Red and Arkansas Rivers, throughout the line thus described, to belong to Spain. And The United States hereby cede to His Catholic Majesty all their rights, claims, and pretensions, to the Territories lying west and south of the above described line; and His Catholic Majesty cedes to the said United States all his rights, claims, and pretensions, to any Territories east and north of the said line, and, for himself, his Heirs, and Successors, renounces all claim to the said Territories for ever.

IV. To fix this line with more precision, and to place the land marks which shall designate exactly the Limits of both Nations, each of the Contracting Parties shall appoint a Commissioner and a Surveyor, who shall meet before the termination of one Year from the date of the Ratification of this Treaty, at Natchitoches, on the Red River, and proceed to run and mark the said line from the mouth of the Sabine to the Red River, and from the Red River to the River Arkansas, and to ascertain the latitude of the source of the said river Arkansas, in conformity to what is above agreed upon and stipulated; they shall make out plans, and keep journals of their proceedings; and the result agreed upon by them shall be considered as part of this Treaty, and shall have the same force as if it were inserted therein. The 2 Governments will amicably agree respecting the necessary Articles to be furnished to those Persons, and also as to their respective Escorts, should such be deemed necessary.

V. The Inhabitants of the ceded Territories shall be secured in the free exercise of their religion, without any restriction; and all those who desire to remove to the Spanish Dominions shall be permitted to sell or export their effects, at any time whatever, without being subject, in either case, to duties.

VI. The Inhabitants of the Territories which His Catholic Majesty cedes to The United States by this Treaty, shall be incorporated into the Union of The United States, as soon as may be consistent with the principles of the Federal Constitution, and admitted to the enjoyment of all the privileges, rights, and immunities, of the Citizens of The United States.

VII. The Officers and Troops of His Catholic Majesty in the Territories hereby ceded by Him to The United States, shall be withdrawn and possession of the Places occupied by them shall be given, within 6 months after the Ratification of this Treaty, or sooner, if possible, by the Officers of His Catholic Majesty to the Commissioners, or Officers, of The United States, duly appointed to receive them.

VIII. All Grants of land made by or in the name of His Catholic Majesty in the aforesaid Territories, after the 24th of January, 1818, shall be held null, the conditions of the said Grants not having been performed by the Grantees. All Grants made before that date by His Catholic Majesty or by his legitimate Authorities in the said Territories, the conditions of which shall have been performed by the Grantees according to the tenor of the respective Grants, and none other shall be confirmed and acknowledged as valid.

IX. The 2 Contracting Parties reciprocally renounce all Claims for damages or injuries which they themselves, as well as their respective Citizens and Subjects, may have suffered, until the time of signing this Treaty.

1. The renunciation of The United States will extend to all the injuries mentioned in the Convention of 11th August, 1802.

2. To all Claims on account of prizes made by French Privateers, and condemned by French Consuls, within the Territory and jurisdiction of Spain.

3. To all Claims of indemnities on account of the suspension of the right of deposit at New-Orleans in 1802.

4. To all Claims of Citizens of The United States upon the Government of Spain, arising from the unlawful seizures at sea, and from the unlawful seizure of Vessels or Cargoes belonging to Citizens of The United States in the Ports and Territories of Spain, or the Spanish Colonies.

The renunciation of His Catholic Majesty extends:

1. To all the injuries mentioned in the Convention of the 11th of August, 1802.

2. To the sums which His Catholic Majesty advanced for the return of Captain Pike from the Provincias Internas.

3. To all injuries caused by the expedition of Miranda, that was fitted out and equipped at New York.

Finally: To all the Claims of Subjects of His Catholic Majesty upon the Government of The United States, in which the interposition of His Catholic Majesty's Government has been solicited before the date of this Treaty, and since the date of the Convention of 1802, or which may have been made to the Department of Foreign Affairs of His Majesty, or to his Minister in The United States.

And the High Contracting Parties respectively renounce all claim to indemnities for any of the recent events or transactions of their respective Commanders and Officers in the Floridas.

X. The Convention entered into between the 2 Governments on the 11th of August, 1802, the Ratifications of which were exchanged on the 21st December, 1818, is annulled.

XI. The United States, exonerating Spain from all demands in future, on account of the Claims of their Citizens, to which the renun-
[1819—20.]

ciations herein contained extend, undertake to make satisfaction for the same to an amount not exceeding 5,000,000 dollars. To ascertain the full amount and validity of these Claims, a Commission, to consist of 3 Commissioners, Citizens of The United States, shall be appointed by the President, by and with the advice and consent of the Senate, which Commission shall meet at the City of Washington, and, within the space of 3 years from the time of their first meeting, shall receive, examine, and decide upon, the amount and validity of all the Claims included within the descriptions above mentioned. The said Commissioners shall take an oath or affirmation, to be entered on the Record of their Proceedings, for the faithful and diligent discharge of their duties ; and, in case of the death, sickness, or necessary absence, of any such Commissioner, his place may be supplied by the appointment, as aforesaid, or, by the President of The United States, during the recess of the Senate, of another Commissioner in his stead. The said Commissioners shall be authorised to hear and examine, on oath, every question relative to the said Claims, and to receive all suitable authentic testimony concerning the same ; and the Spanish Government shall furnish all such Documents and elucidations as may be in their possession, for the adjustment of said Claims, according to the principles of justice, the Laws of Nations, and the Stipulations of the Treaty between the 2 Parties of 27th October, 1795 ; the said Documents to be specified, when demanded, at the instance of the said Commissioners.

The payment of such Claims as may be admitted and adjusted by the said Commissioners, or the major part of them, to an amount not exceeding 5,000,000 dollars, shall be made by The United States, either immediately, at their Treasury, or by the creation of stock, bearing an interest of 6 per cent. per annum, payable from the proceeds of sales of public Lands within the Territories hereby ceded to The United States, or in such other manner as the Congress of The United States may prescribe by Law.

The Records of the Proceedings of the said Commissioners, together with Vouchers and Documents produced before them relative to the Claims to be adjusted and decided upon by them, shall, after the close of their transactions, be deposited in the Department of State of The United States ; and Copies of them, or any part of them, shall be furnished to the Spanish Government, if required, at the demand of the Spanish Minister in The United States.

XII. The Treaty of Limits and Navigation of 1795 remains confirmed in all, and each one of, its Articles, excepting the II^d, III^d, IVth, XXIst, and the second Clause of the XXII^d Article ; which having been altered by this Treaty, or having received their entire execution, are no longer valid.

With respect to the XVth Article of the same Treaty of Friendship,

Limits, and Navigation, of 1795, in which it is stipulated, that the Flag shall cover the Property, the 2 High Contracting Parties agree, that this shall be so understood with respect to those Powers who recognise this principle. But, if either of the 2 Contracting Parties shall be at War with a third Party, and the other neutral, the Flag of the Neutral shall cover the Property of Enemies whose Government acknowledge this principle, and not of others.

XIII. Both Contracting Parties wishing to favour their mutual Commerce, by affording, in their Ports, every necessary assistance to their respective Merchant Vessels, have agreed, that the Sailors who shall desert from their Vessels in the Ports of the other, shall be arrested, and delivered up, at the instance of the Consul, who shall prove, nevertheless, that the Deserters belong to the Vessels that claim them, exhibiting the Document that is customary in their Nation: that is to say, the American Consul in a Spanish Port shall exhibit the Document known by the name of *Articles*; and the Spanish Consul in an American Port, the *Roll of the Vessel*; and if the name of the Deserter, or Deserters, who are claimed, shall appear in the one, or the other, they shall be arrested, held in custody, and be delivered to the Vessel to which they shall belong.

XIV. The United States hereby certify, that they have not received any compensation from France, for the injuries they suffered from her Privateers, Consuls, and Tribunals, on the Coasts and in the Ports of Spain, for the satisfaction of which provision is made by this Treaty; and they will present an authentic Statement of the Prizes made, and of their true value, that Spain may avail herself of the same in such manner as she may deem just and proper.

XV. The present Treaty shall be ratified, in due form, by the Contracting Parties; and the Ratifications shall be exchanged in 6 months from this time, or sooner, if possible.

In witness whereof, the Underwritten, Plenipotentiaries of the United States of America, and of His Catholic Majesty, have signed, by virtue of our Powers, the present Treaty of Amity, Settlement, and Limits, and have thereunto affixed our Seals respectively.

No. 19.—*Paper received by the Secretary of State, from M. Hyde de Neuville, 16th February, 1819.*†—(Translation.)

[The Passages marked thus * are in English in the Paper received from M. de Neuville.]

Remarks of the Chevalier de Onis. Remarks of the Secretary of State.

ART. I. Agreed.*

II. Requires a more explicit explanation.*

III. The Chevalier de Onis re- The Secretary of State main-

† M. De Onis being at this time confined by indisposition, at his request M. Hyde de Neuville had a personal interview with the Secretary of State, on

quires that the Boundary between the 2 Countries shall be the middle of the Rivers ; and that the Navigation of the said Rivers shall be common to both Nations.

tains, that The United States have always intended that the Property of the Rivers should belong to them. He insists on this point as an essential condition, as the means of avoiding all collision, and as a principle adopted henceforth by the Union in its Treaties with its Neighbours. He agrees, however, that the Navigation of the said Rivers to the Sea shall be common to both People. The Secretary of State conceives, that in this Clause there is nothing humiliating to Spain, as seemed to be thought ; since it is not intended to impose on her an onerous Stipulation, but to fix a Territorial Limit, which, in fact, might be extended beyond the Rivers mentioned. He considers this Clause as indispensable, and as eminently calculated to preserve a good understanding between the 2 People.

The Minister of Spain agrees to the 100° of longitude ; and to remove all difficulties to admit the 42° instead of the 43° of latitude from the Arkansas to the Pacific Ocean.

Agreed.

the 15th of February, at which there was a full and free discussion of the Project of M. de Onis, delivered February 9th, and of the Counter-Project communicated by him to M. de Onis, February 13th. Immediately after this interview, M. de Neuville reduced to writing this Paper, in which are noted the objections of M. de Onis to parts of the Counter-Project, the replies to those objections by the Secretary of State, and the points to which both Parties were agreed. He sent a Copy of the Paper the next morning to the Secretary of State, and another Copy to M. de Onis. Being intended merely as a private Minute, that both Parties might be satisfied of the correctness in which their respective remarks were stated, it was drawn up partly in French, and partly in our own language. The passages here marked with asterisks, are in English in the original Paper. The rest is translated.

The Minutes upon the VIIIth Article, compared with the Draft in the Project of M. de Onis, with that of the Counter-Project by the Secretary of State, and with the Article, as finally expressed in the Treaty, fully elucidate the understanding of the Parties that the Grants of Land, dated before, as well as after, the 24th of January, 1818, were annulled, excepting those upon which settlements had been commenced ; the completion of which had been prevented by the circumstances of Spain, and the recent revolutions in Europe.

IV. Agreed, as proposed by the Secretary of State.

V. Agreed.

VI. Agreed:

VII. Agreed, with the addition that The United States shall furnish Transports, and the necessary Escort for conveying the aforesaid Troops of His Catholic Majesty and their baggage, to The Havana.*

Agreed.*

VIII. This Article cannot be varied from what is contained in the Chevalier's Project, as the object of the last Clause therein is merely to save the honour and dignity of the Sovereignty of His Catholic Majesty.*

Agreed, with the following explanation: that all Grants of Land which shall not be annulled by this Convention, are valid to the same extent as they are binding on His Catholic Majesty.*

Remarks.

The Secretary of State observed to me, that the Federal Government would, most assuredly, never entertain the idea of disturbing Individuals who were vested with a *bonâ fide* title to their property; but, as a Treaty ought not to cover fraudulent practices, so, no more could be asked of The United States than could be offered by His Catholic Majesty; that, being, in this case, substituted for His Majesty, they would scrupulously fulfil their engagements; but that more could not be expected of them.

The Secretary of State even proposes, if M. de Onis wishes it, that the Article shall be inserted in the Treaty, as proposed by the Minister of Spain, on condition that the above explanation shall be given in the form of a Note. The Federal Government, unwilling to leave any thing in a state of doubt or uncertainty, only wishes to place on the most secure footing, whatever is just and honourable; and is, at the same time, perfectly satisfied that His Catholic Majesty neither asks nor wishes more.

IX. M. de Onis requires that the Articles should run thus:

Agreed.*

"To all Claims of Citizens of The United States upon the Government of Spain, arising from [un] lawful seizures at sea, and in the Ports or Territories of His Catholic Majesty, in Spain or in his Colonies."*

And the High Contracting

Parties respectively renounce all Claims to Indemnities for any of the recent events, or transactions, of their respective Commanders and Officers in the Floridas.*

To the above Claim M. de Onis adds, that The United States will satisfy all the just Claims which the Inhabitants and Spanish Officers of the Floridas may have upon them, in consequence of the damages they may have sustained by the operations and proceedings of the American Army, as is customary with the Citizens of The United States under similar circumstances.*

Agreed.*

X. Agreed, as it is proposed by the Secretary of State.*

Agreed.*

XI. The Chevalier desires that the Stipulation of 5,000,000 dollars contained in this Article may be stricken out, for he is aware that the Territories ceded are sufficient to pay triple that sum, and by agreeing to that Stipulation, it would appear that Spain, in consideration only of the said amount, has ceded the 2 Floridas and other Territories, when she would not have ceded them for 20,000,000, were it not her desire to arrange and terminate all differences with The United States.

The Secretary of State does not appear to find a positive objection to agreeing to the alteration required: however, as he conceives this Article to be more important to The United States than to Spain, he will examine the question, and see whether the request of the Minister of Spain may or may not be agreed to.

The remaining parts of this Article are agreed to.*

Articles XII, XIII, XIV, and XV. Agreed.*

Agreed.*

XVI.

Remarks.

This Article, which I have not before me, is, I believe, that in which M. de Onis requires that American Vessels shall only receive Clearances for a specified Port. It appears that this Article cannot be assented to by the Federal Government, and is, therefore, as observed by Mr. Adams, wholly inadmissible in the present Treaty.

XVII. M. de Onis requires that Spanish Vessels shall be admitted for 12 years into all the Ports of the ceded Territories, upon the same footing as the Vessels of The United States.

Agreed, as to the Ports of St. Augustine and Pensacola.

2. That no Nation shall enjoy the like privilege during the said term of 12 years.

Agreed.

3. That, at the expiration of the said term, Spanish Vessels shall be received in said Territories, on the same footing as the most favoured Nations.

Refused.

N. B. It is agreed, by both Parties, that the Article stipulating the Cession of the Floridas shall be so framed as to cover the honour of both Countries, and prove that the Treaty is an amicable transaction, divested of all mental reservations, disguise, or recrimination.

The Writer of these hasty Notes believes that he perfectly comprehended, and has faithfully stated, the conversation he had this morning with the Secretary of State.

He will be equally attentive in stating to-morrow the Answer of the Minister of Spain. He flatters himself that all obstacles are nearly removed, and he deems it no small satisfaction, in having been invited by the confidence manifested in him by both Parties, to co-operate, however feebly, in an event which cannot fail to have a powerful influence on the peace and happiness of both Hemispheres.

Washington, 15th February, 1819.

G. H. DE NEUVILLE.

No. 20.—M. Hyde de Neuville to Mr. Adams.

Washington, 16th February, 1819.

M. DE NEUVILLE has the honour to present his respects to Mr. Adams, and to enclose the Statement hastily drawn up by him yesterday evening. M. de Neuville believes he has omitted nothing of what Mr. Adams did him the honour to communicate to him. He will see M. de Onis to day at 1 o'Clock, and afterwards, that is, between 2 and 3, he will call at the Office of the Department, and hand to Mr. Adams the Project sent by him to M. de Onis. M. de Neuville hopes that M. de Onis will remove the remaining unimportant difficulties, for which nothing on the part of M. de Neuville will be omitted. He avails himself with pleasure of this occasion to offer to Mr. Adams the renewed assurances &c.

The Hon. John Quincy Adams.

G. HYDE DE NEUVILLE.

*No. 21.—Full Power of the President to Mr. Adams.***JAMES MONROE**, *President of The United States.*

TO ALL WHOM THESE PRESENTS SHALL CONCERN, GREETING :

KNOW YE, That I have given and granted, and do hereby give and grant, to John Quincy Adams, Secretary of State of The United States, Full Power and Authority, and also a general and special command, to meet and confer with the Envoy Extraordinary and Minister Plenipotentiary of His Catholic Majesty residing in The United States, being furnished with the like Full Powers, of and concerning the limits between the Territories of The United States and those of His said Catholic Majesty in North America, and any mutual Cessions of part of the same; of and concerning all matters of difference between the said United States and His Catholic Majesty; and concerning the relations of Navigation and Commerce between the said United States and His Catholic Majesty: and to conclude a Treaty touching the premises, for the final Ratification of the President of The United States, by and with the advice and consent of the Senate thereof, if such advice and consent be given.

In testimony whereof, I have caused the Seal of The United States to be hereunto affixed. Given under my hand, at the City of Washington, the 16th day of February, A. D. 1819, and of the Independence of The United States the 43rd.

(L. S.) **JAMES MONROE.**

By the President:

. **JOHN QUINCY ADAMS**, *Secretary of State.**No. 22.—Full Power of the King of Spain to Don Luis de Onis.*

(Translation.)

DON Ferdinand, by the Grace of God, King, &c. &c. &c. desiring to consolidate the friendship and good understanding which happily prevail between my Kingdoms and the United States of America, through the mutual interests existing between the 2 Governments, and reposing full confidence in you, Don Luis de Onis, Knight of the Royal and distinguished Order of Charles the Third, and my Minister Plenipotentiary to the United States of America, by reason of your fidelity, distinguished zeal, and approved capacity, in the arduous concerns committed to you, have granted, and by these presents do grant to you Full Power, in the most ample form, to treat, of yourself and without other intermediate authority, with such Person or Persons as may be authorized by the President of The United States, and on the principles of the most perfect equality and fitness, to conclude and sign a Treaty of Amity, whereby past differences may be adjusted, and a firm and lasting Peace established between the 2 Governments. Obliging ourselves, as we do hereby oblige ourselves, and promise, on

the faith and word of a King, to approve, ratify, and fulfil, and to cause to be inviolably observed and fulfilled, whatsoever may be stipulated and signed by you; to which intent and purpose, I grant you all Authority and Full Power, in the most ample form, thereby and of right required.

In faith whereof, we have given command to issue the present, signed with our Royal Hand, sealed with our Privy Seal, and countersigned by our underwritten First Secretary of State and of Universal Despatch.

Given at Madrid, the 10th day of September, 1816.

FERDINAND.

(Countersigned.) PEDRO CEVALLOS.

No. 23.—Treaty of Amity, Settlement and Limits, between The United States of America and His Catholic Majesty.

Washington, 22nd February, 1819.

[See Vol. 1820—21, Page 524.]

No. 24.—Resolution of the Senate, advising Ratification.

In Senate of The United States, 24th February 1819.

Resolved, Two-thirds of the Senators present concurring therein, that the Senate do advise and consent to the Ratification of the Treaty of Amity, Settlement, and Limits, made and concluded at Washington, on the 22d day of February, 1819, between The United States and His Catholic Majesty.

Attest, CHARLES CUTTS, *Secretary*.

No. 25.—Ratification by the President of The United States.

JAMES MONROE, *President of the United States of America*,

TO ALL AND SINGULAR WHO SHALL SEE THESE PRESENTS, GREETING:

WHEREAS a Treaty of Amity, Settlement, and Limits, between The United States of America and His Catholic Majesty, was concluded and signed between their Plenipotentiaries, in this City, on the 22nd day of the present month of February, which Treaty is word for word as follows:—[See Copy herewith transmitted.] And whereas the Senate of The United States, by their Resolution, on the 24th day of the same month, two-thirds of the Senators then present concurring, did advise and consent to the Ratification of the said Treaty:

Now, therefore, I, James Monroe, President of the United States of America, having seen and considered the Treaty above recited, do, in pursuance of the aforesaid advice and consent of the Senate of The United States, by these presents, accept, ratify, and confirm, the said Treaty, and every Clause and Article thereof, as the same are herein-before set forth.

In faith whereof, I have caused the Seal of the United States of America, to be hereto affixed.

Given under my hand, at the City of Washington, this 25th day of February, in the year of our Lord 1819, and of the Independence of the said States the 43d.

(L. S.) JAMES MONROE.

No. 26.—Mr. Adams to Mr. Forsyth.

SIR, *Department of State, Washington, 8th March, 1819.*

THE Treaty of Amity, Settlement, and Limits, between The United States and Spain, concluded on the 22d ultimo, and ratified on the part of The United States, having provided for the adjustment of all important subjects of difference between the 2 Nations, the first object of your Mission will be to obtain the Ratification of the Spanish Government, and receive it in exchange for ours, the authentic Instrument of which is committed to your charge. The United States' Ship, *Hornet*, Captain Read, is in readiness at Boston, and orders have been despatched under which you will take passage in her for Cadiz. It is desirable that you should embark without delay. On your arrival in Spain, the *Hornet* will remain at Cadiz, subject to your orders, until the exchange of the Ratification can be effected. And if, as is anticipated, no obstacle should intervene to delay that transaction, you will, upon receiving the Spanish ratified Copy, immediately forward it to Captain Read, with directions to bring it immediately to The United States. As the ulterior destination of the *Hornet* will be the Gulf of Mexico, the Port to which it will be advisable for him to come, will be New York.

On exchanging the Ratifications, Certificates of the fact will be mutually executed and delivered by you and the Spanish Minister with whom you will make the exchange. Copies of that which passed, in both languages, on the exchange of the Ratifications of the Convention of the 11th of August, 1802, are now furnished you, and will serve as forms, to be used in the performance of this ceremony. On this occasion, as upon all others upon which you may have occasion to execute any Document, joint or reciprocal, with a Foreign Minister of State, you will be careful to preserve the right of The United States to the *alternative* of being first named, and your own right, as their Representative, to sign first in the Papers executed: while, in the counterparts, the other Contracting Party will be named first, and the Foreign Minister will first sign and seal. A rigid adherence to this practice has become necessary, because it is strictly adhered to by all the European Sovereigns, in their Compacts with one another; and, because The United States having heretofore sometimes forborne to claim this conventional indication of equal dignity, some appearance of a disposition to allege the precedent against them, as affecting their right

to it, was manifested by the British Plenipotentiaries, on executing the Convention of 3d July, 1815, and by M. de Onis, at the drawing up and signing of this Treaty. The scruple was, however, in both cases abandoned, and the right of The United States to the alternative was conceded. It is not expected that it will hereafter be questioned, and you will consider it as a standing instruction to abide by it in the execution of any Instrument of Compact, which, as a Public Minister of The United States, you may be called to sign.

After the exchange of the Ratification, your attention will be directed to the object of carrying the Provisions of the Treaty into effect. The orders for the evacuation, by the Spanish Officers and Troops, of the Places occupied by them in the Floridas, will, no doubt, be immediately issued; and, as the transports and escort for conveying them to The Havana, are to be furnished by The United States, it is hoped you will obtain Copies of the Orders, and transmit them here with the Ratification of the Treaty. You will think it advisable to keep the Spanish Government reminded of the necessity to include in the orders for the delivery of possession, that of all the Archives and Documents relating to the Dominion and Sovereignty. The appointment of a Commissioner and Surveyor for running the Line of western Boundary, must also be kept in remembrance, and notice given to us as soon as possible after their appointment. You will collect from the Archives of the Legation at Madrid, all the Documents relating to the Claims of Citizens of The United States upon the Spanish Government, which have been deposited there, and which come within the description of Claims to be exhibited to the Commissioners, under the XIth Article of the Treaty. You will send all these Documents, together with the ratified Treaty, to this Department, retaining descriptive Lists of them, and, if necessary, Copies of such Papers for which no equivalent substitute could be produced in case of their being lost. Should you have reason to believe that any Documents which you should be able to specify, were in possession of the Spanish Government, tending to elucidate any of these Claims, you will endeavour to obtain them. The Treaty provides that they shall be furnished at the demand of the Commissioners. But, as much time may be saved, if they can be sent here to be ready when the Commission will be organized, and commence the exercise of its functions, you will, should the occasion present itself, use your endeavours to that effect.

Mr. Forsyth.

JOHN QUINCY ADAMS.

No. 27.—Certificate of Exchange of the Ratification of the Convention between The United States and Spain, of the 11th August, 1802.

WE, John Quincy Adams, Secretary of State of The United States of America, and Don Luis de Onis Gonzales Lopez y Vara, Lord of the Town of Rayaces, Macadina, and Lagartera, Member of different

Academies and Societies, both National and Foreign, perpetual Regidor of the Corporation of the City of Salamanca, Knight Grand Cross of the Royal American Order of Isabella the Catholic, decorated with the Lys of La Vendée, Knight Pensioner of the Royal and distinguished Spanish Order of Charles the Third, Member of the Supreme Assembly of the said Royal Order of the Council of His Catholic Majesty, His Secretary with exercise of Decrees, and His Envoy Extraordinary and Minister Plenipotentiary near the United States of America—certify, that the Ratifications of the Convention between the said United States of America and His said Majesty, concluded on the 11th day of August, 1802, accompanied with all suitable solemnities, and, after due comparison each with the other, and with the original examples of the Convention, have been exchanged by us this day.

In witness whereof, we have signed this Act in triplicate, and have sealed the same with our respective Seals, at the City of Washington, this 21st day of December, 1818.

(L. S.)	JOHN QUINCY ADAMS.
(L. S.)	LUIS DE ONIS.

No. 28.—Mr. Adams to Don Luis de Onis.

SIR, *Department of State, Washington, 10th March, 1819.*

By the VIIIth Article of the Treaty of Amity, Settlement, and Limits, signed by us on the 22d of last month, all Grants of Land in the Floridas, made by His Catholic Majesty, or His legitimate Authorities in those Provinces, subsequent to the 24th of January, 1818, are declared to be null and void. This date, as you will recollect, was agreed to on the part of The United States, with a full and clear understanding between us, that it included the Grants alleged to have been made in the course of the preceding winter, by the King, to the Duke of Alagon, the Count of Punon Rostro, and M. Vargas. As these Grants, however, are known to the Government of The United States only from rumour, without the knowledge of their dates, it is proper that, on exchanging the Ratifications, your Government should know that, whatever the date of those Grants may have been, it was fully understood by us that they are all annulled by the Treaty, as much as if they had been specifically named, and that they will be so held by The United States. To avoid any possible misconception, your answer to this statement is requested; and the exchange of the Ratifications will be made, under the explicit declaration and understanding that all the above-mentioned Grants, and all others derived from them, are null and void.

I pray you to accept the assurances, &c.

H. E. Don Luis de Onis.

JOHN QUINCY ADAMS.

No. 29.—*Don Luis de Onís to Mr. Adams.*—(Translation.)

SIR,

Washington, 10th March, 1819.

I HAVE received the Note you were pleased to address to me of this day's date; in which you state that, by the VIIIth Article of the Treaty signed by us on the 22d of last month, it was agreed, on the part of The United States, that all Grants of Land in the Floridas, made by His Catholic Majesty, or His legitimate Authorities, subsequent to the 24th January, 1818, are declared to be null and void, with a full understanding that it included the Grants alleged to have been made in the course of the preceding winter, by the King, to the Duke of Alagon, the Count of Punon Rostro, and M. Vargas; and that, therefore, you request of me a declaration that, whatever the date of those Grants may have been, it was fully understood by us that they are annulled by the Treaty, as much as if they had been specifically named.

With the frankness and good faith which have uniformly actuated my conduct, and which distinguish the character of the Spanish Nation, I have to declare to you, Sir, that when I proposed* the revocation of all the Grants made subsequent to the date above-mentioned, it was with the full belief that it comprehended those made to the Duke of Alagon, as well as any others which had been stipulated at that period.

But, at the same time that I offer you this frank, simple, and ingenuous declaration, I have to express to you that, if my conception had been different, or if it had appeared to me that any of those Grants were prior to the date abovementioned, I would have insisted upon their recognition, as the honour of the King, my Master, and the unquestionable rights of His Sovereignty of His Possessions, and the disposal of them, obviously required.

I will hasten to transmit to my Government due information of the whole; and, impressed, as I am, with the conviction of His Majesty's most earnest desire to meet the wishes of the President, I persuade myself that He will, with pleasure, participate in that sentiment, by admitting the explicit declaration which you have requested of me. In the mean time, I beg you will favour me with your answer to the explanations I requested yesterday, in relation to the late Act of Congress concerning Piracy.

Be pleased to accept the assurance, &c.

The Hon. J. Q. Adams.

LUIS DE ONIS.

[* *The following are the words of the Proposition, contained in the Letter of Don Luis de Onís to Mr. Adams, of the 16th November, 1818.*]

THE extent of what I can agree to is, that the late Grants made by His Majesty in the Floridas, since the 24th of January last, the date of my first Note, announcing His Majesty's willingness to cede them to The United States, (the said Grants having been made with a view to promote population, cultivation, and industry, and not with that of alienating them,) shall be declared null and void, in consideration of the Grantees not having complied with the essential conditions of the Cession, as has been the fact.

No. 30.—*Mr. Adams to Mr. Forsyth.*

SIR, *Department of State, Washington, 10th March, 1819.*

By the VIIIth Article of the Treaty of Amity, Settlement, and Limits, between The United States and Spain, signed on the 22d of last month, all the Grants of Land made by His Catholic Majesty, or by His lawful Authorities, since the 24th January, 1818, in the Territories ceded by His Catholic Majesty to The United States, in the Floridas, are declared, and agreed to be, null and void. This date was proposed by M. de Onis, and acceded to on the part of The United States, with a full and clear understanding, on both sides, that the Grants made, or alleged to have been made, in the course of the preceding winter to the Duke of Alagon, the Count of Punon Rostro, and M. Vargas, were among those agreed and declared to be null and void. Copies of the Grants to the Count of Punon Rostro and to M. Vargas, in the form of orders to the Governor-General of the Island of Cuba, and to the Governor of the Floridas, had been transmitted to this Department by Mr. Erving; the first of which bears date the 6th of February, and the second the 11th of March, 1818; but no Copy has been received of that to the Duke of Alagon. As, however, the authenticity of these Documents might be denied, and the Grants have never been made public, it is proper that the possibility of any future question, with regard to those Grants, should be guarded against; for which purpose the form of a Declaration is enclosed, which it will be proper for you to deliver, on exchanging the Ratifications of the Treaty, to the Spanish Minister with whom you will make the exchange. The fact of the mutual understanding, that those Grants were annulled by the Treaty, is fully and explicitly admitted by M. de Onis in his Answer, dated this day, to a Note from me on this subject: Copies of which, with a Translation of his Answer, are herewith enclosed. It is not anticipated that any objection will be made to receiving the declaration; if, however, there should be, you will, nevertheless, exchange the Ratifications, it being sufficient to give the notice and the proof of the understanding, on both sides, of the operation of the Article, and of the effect which will be given to it on the part of The United States.

I am, with much respect, &c.

Mr. Forsyth.

JOHN QUINCY ADAMS.

Form of Declaration.

THE Undersigned, Minister Plenipotentiary from the United States of America at the Court of His Catholic Majesty, is commanded by the President of The United States to explain and declare, upon the exchange of the Ratifications of the Treaty of Amity, Settlement, and Limits, between The United States and His Catholic Majesty, signed by the respective Plenipotentiaries at Washington, on the 22d day of February last, that, in agreeing upon the 24th day of January, 1818,

as the date, subsequent to which all Grants of Land made by His Catholic Majesty or by His legitimate Authorities, in the Floridas, were declared to be null and void, it was with a full and clear understanding between the Plenipotentiaries of both the High Contracting Parties, that, among the Grants thus declared null and void, were all those made, or alleged to have been made, in the course of the preceding winter, by His Catholic Majesty, to the Duke of Alagon, the Count of Punon Rostro, and M. Vargas, and all others derived from them. And the Ratifications of the Treaty are exchanged, under the explicit declaration and understanding that all the said Grants are null and void, and will be so held by The United States.

Madrid, ——— 1819.

No. 31.—Mr. Adams to M. Hyde de Neuville.

SIR,

Washington, 17th March, 1819.

By the VIIIth Article of the Treaty lately concluded between The United States and Spain, all Grants of Land made by the King of Spain, or His legitimate Authorities, in Florida, before the 24th of January, 1818, are confirmed on certain conditions: all those made after that date are declared null and void.

Since the conclusion of the Treaty, a rumour has been circulated, that certain Grants, made by the King of Spain in the course of the preceding winter, to the Duke of Alagon, the Count of Punon Rostro, and M. Vargas, were made on the 23d of January, 1818. Mr. Forsyth has therefore been instructed, on exchange of the Ratifications of the Treaty, to declare, that it was fully and explicitly understood on both sides, at its signature, that all those Grants, and all others derived from them, were, by the Treaty, included among those declared to be absolutely null and void. M. de Onis himself, in answer to a Note from me, has readily declared that such was his understanding. From the friendly part taken by you, in concert with M. de Onis, in this Negotiation, you were apprized of all the circumstances attending it: and I have to request that you would have the goodness to state your impressions on the subject, particularly in relation to the absolute nullity of those Grants, and, as far as you think proper, the facts in connection with this transaction, which you have mentioned to me in conversation.

I pray you, Sir, to accept the assurance, &c.

M. Hyde de Neuville.

JOHN QUINCY ADAMS.

No. 32.—M. Hyde de Neuville to Mr. Adams.—(Translation.)

Legation of France in The United States,

SIR,

Washington, 18th March, 1819.

I WAS very sure, and you were of the same opinion, that, to destroy the rumour which had been spread, it would suffice to inform the Mi-

nister of Spain of it. The loyalty which characterizes him did not permit the smallest uneasiness on the subject. After the declaration of M. de Onis, mine can be of no importance; however, as you desire (in case the mistake of date should be real) that the fact resulting from the Treaty should be well established, and by all those Persons who took part, directly or indirectly, in the transaction, I have the honour, Sir, to declare to you, in the most formal manner, that it has been understood, always understood by you, by the Minister of Spain, and, I will add, by myself, that the 3 great Grants of Land made to the Duke of Alagon, to the Count of Punon Rostro, and to M. Vargas, were of the number of those annulled.

The date of the 24th of January was proposed and accepted, in the complete persuasion, on one part and the other, that these 3 great Grants were subsequent to it.

I will add, Sir, because it is the exact and pure truth, that, having been charged by M. de Onis, during his illness, to discuss with you several Articles of the Treaty, particularly the VIIIth Article, you consented to the drawing up of this Article more in conformity with the desire of the Spanish Minister, only on the admission, as a fact beyond doubt, that the 3 principal Grants were and remained null, and as not having taken place. M. de Onis has not ceased thus to understand it. He has explained himself frankly and loyally, as well since as before the Treaty. The mistake of date, if it exists, can, then, give birth to no difficulty whatever at Madrid. The good faith of M. de Onis, and that of his Government, are guarantees too strong to render any other explanations necessary. Between Governments, as between individuals, the same laws of honour and probity govern transactions. The Convention exists only by the Convention; therefore, Sir, in this case the simple statement of the fact will be sufficient to rectify the mistake.

In answering, Sir, immediately, the Letter which you did me the honour to write to me, I embrace with much pleasure this new opportunity to assure you, &c.

The Hon. John Quincy Adams.

G. HYDE DE NEUVILLE.

No. 33.—Observations on the VIIIth Article of the Treaty of the 22d February, 1819, between The United States and Spain, submitted to M. de Neuville, 14th July, 1819.

It will be recollected by M. de Neuville, that, on the 15th of February last, M. de Onis being confined to his house by indisposition, M. de Neuville, at his request, had a conversation with Mr. Adams, in which were discussed the Project of a Treaty which had been delivered, on the 9th of February, by M. de Onis to Mr. Adams, and the Counter-Project sent by M. Adams to M. de Onis, on the 13th of the same month.

The IXth Article of the Project of M. de Onís was in these words :

“ All the Grants of land made by His Catholic Majesty, or by His legitimate Authorities, in the aforesaid Territories of the 2 Floridas, and others which His Majesty cedes to The United States, shall be confirmed and acknowledged as valid, excepting those Grants which may have been made after the 24th January of last Year, the date that the first proposals were made for the Cession of those Provinces, which shall be held null in consideration of the Grantees not having complied with the conditions of the Cession.”

The VIIIth Article of the Counter-project, sent by Mr. Adams, was as follows :

“ All Grants of land made by or in the name of His Catholic Majesty, in the aforesaid Territories, after the 24th January, 1818, shall be held null, the conditions of the said Grants not having been performed by the Grantees. All Grants made before that date, by His Majesty, or by His legitimate Authorities, the conditions of which shall have been performed by the Grantees, according to the tenor of the respective Grants, and none other, shall be confirmed and acknowledged as valid.”

M. de Neuville's particular attention is requested to the difference between the 2 projected Articles, because it will recall particularly to his remembrance the point upon which the discussion concerning this Article turned. By turning to the written Memorandum, drawn by M. de Neuville himself, of this discussion, he will perceive he has noted that M. de Onís insisted, “ that this Article could not be varied from what was contained in the Chevalier's Project, as the object of the last Clause therein was merely to save the honour and dignity of the Sovereignty of His Catholic Majesty.”

It was then observed by Mr. Adams, that the honour and dignity of His Catholic Majesty would be saved, by recognizing the Grants prior to the 24th of January, as “ valid to the same extent as they were binding on His Catholic Majesty,” and he agreed to accept the Article as drawn by M. de Onís, with this explanation, (see M. de Neuville's Memorandum.) It was on this occasion that M. de Neuville observed, that if the Grants prior to January 24, 1818, were confirmed only to the same extent that they were binding on the King of Spain, there were many *bonâ fide* Grantees, of long standing, in actual possession of their Grants, and having actually made partial settlements upon them, but who had been prevented, by the extraordinary circumstances in which Spain had been situated, and the Revolutions in Europe, from fulfilling all the conditions of the Grants ; that it would be very harsh to leave these Persons liable to a forfeiture, which might, indeed, in rigour, be exacted from them, but which, very certainly, never would be, if they had remained under the Spanish Dominion. It will [1819—20.]

be well remembered by M. de Neuville how earnestly he insisted upon this equitable suggestion, and how strongly he disclaimed for M. de Onis, every wish or intention to cover, by a provision for such Persons, any fraudulent Grants. And it was then observed by M. de Neuville, that the date assumed, of 24th January, 1818, was not sufficient for guarding against fraudulent Grants, because they might be easily antedated. It was with reference to these suggestions of M. de Neuville, afterwards again strenuously urged by M. de Onis, that the Article was finally modified as it now stands in the Treaty, declaring all Grants subsequent to the 24th January, 1818, absolutely null, and those of prior date valid to the same extent only that they would have been binding upon the King, but allowing to *bonâ fide* Grantees, in actual possession, and having commenced Settlements, but who had been prevented by the late circumstances of the Spanish Nation, and the Revolutions in Europe, from fulfilling *all* the conditions of their Grants, time to complete them. It is needless to observe, that, as these incidents do not apply to either of the Grants to Alagon, Punon Rostro, or Vargas, neither of those Grants is confirmed by the tenor of the Article as it stands, and that it is perfectly immaterial, in that respect, whether they were dated before or after the 24th of January, 1818, it being admitted on all sides, that these Grants were not binding upon the King, conformably to the Spanish Laws. The terms of the Article accord precisely with the intentions of all the Parties to the Negotiation and the signature of the Treaty. If the dates of the Grants are subsequent to the 24th of January, 1818, they are annulled by the date; if prior to that date, they are null because not included among the prior Grants confirmed.

No. 34.—*Mr. Adams to Mr. Forsyth.*

SIR, *Department of State, Washington, 18th August, 1819.*

CAPTAIN READ, of the *Hornet*, has delivered to me your Despatches of the 10th, 17th, and 22d of June, which have been submitted to the consideration of the President.

However extraordinary the conduct of the Spanish Government, in relation to the Treaty, signed on the 22d of February last, has been, the President is unwilling to abandon the hope, that, within the period of 6 months, allowed for the exchange of the Ratifications, a sense of justice, and of decent regard for the public faith of the King and Nation, solemnly pledged by the Treaty, will prevail over the individual intrigues and lurking influence which prompted the delay that has taken place. Should this expectation, however, be disappointed, and should the Treaty remain unratified by Spain at the time when you shall receive this Despatch, you will immediately make an Official Communication to the Minister of Foreign Affairs, stating that the Ratification

of Spain, with the explicit understanding on her part, that the alleged Grants to the Duke of Alagon, Count Punon Rostro, and M. Vargas, and all others, which may have been made under the same circumstances, are, by the VIIIth Article of the Treaty, null and void, and will be so held by The United States, will be accepted as valid; and that you are authorized to receive the Spanish Ratification in exchange for that of The United States, though after the lapse of the stipulated 6 months: provided the exchange shall be immediate, and in such time that you can despatch the ratified Treaty by the Messenger who will be the Bearer of this, in season to arrive here before the meeting of Congress on the first Monday in December: that, if the ratified Treaty should not arrive here at that time, a full communication will be made by the President to Congress, of all the transactions relating to the Treaty, and such measures will be adopted by that Body as they shall think required by the exigency of the case; that, whatever their determination may be, the Spanish Government will be responsible to The United States for all damages and expenses which may arise from the delay or refusal of Spain to ratify, and from the measures to which The United States may resort, to give efficacy to their rights; and that, for the indemnities to which they will be justly entitled, for this violation of faith by Spain, The United States will look to the Territory west of the Sabine River.

The only reason assigned by the Minister of State, *ad interim*, Salmon, for the postponement of the Spanish Ratification, was the determination of the King, founded upon the great importance of the Treaty, to act upon it, with full deliberation. This may have been sufficient to justify delay within the period stipulated by the Treaty; but, after the expiration of that period, can no longer be alleged. Delay beyond that period will be a breach of faith; for the Treaty, in all its parts, from the moment of its signature by M. de Onis, and the Ratification of The United States, was as binding upon the honour and good faith of the Spanish King and Nation, as it would be after the Ratification. It is scarcely supposable that Spain will contest this position, or that it should be necessary to present it to her view in the following terms of the Full Power of M. de Onis, the original of which, signed by the King of Spain, was delivered to me before the signature of the Treaty. The words of His Catholic Majesty are, after authorizing M. de Onis to treat, "negotiate, and conclude a Treaty, whereby past differences may be adjusted, and a firm and lasting Peace established between the 2 Governments;" "obliging ourselves, as we do hereby oblige ourselves, and promise, on the faith and word of a King, to approve, ratify, and fulfil, and to cause to be inviolably observed and fulfilled, *whatsoever may be stipulated and signed by you*; to which intent and purpose, I grant you all authority and full power, in the most

ample form, thereby as of right required."* If language so explicit and unqualified were, in regard to its import, susceptible of any doubt, founded on the usage which requires the Ratification of the Sovereign, for the full consummation of a Treaty, there is nothing dubious or uncertain in the extent of obligation resting upon him, by the signature of his Minister, vested with such a Full Power. The following passages from Vattel and Martens, are decisive authorities upon the principle :

"Sovereigns treat together by the agency of their Attornies or Mandatories, clothed with sufficient Powers ; they are commonly called Plenipotentiaries. All the rules of the law of nature, concerning things performed by Commission, are here applicable. The rights of the Agent are defined by the authority given him. From this he must not depart ; *but whatever he promises, within the terms of his Commission, and according to the extent of his Powers, is binding upon his Constituent.*"

"At this time, to avoid all danger and difficulty, Princes reserve to themselves the right of ratifying that which has been concluded by their Minister, in their name. The Full Power is merely a Commission *cum libera*. If this Commission were to have its full effect, it should be given with the utmost circumspection. But, as Princes can be constrained to fulfil their obligations only by force of arms, the custom has arisen of relying upon their Treaties only after they have sanctioned and ratified them. Whatever the Minister has concluded, remaining ineffectual until the Ratification of the Prince, there is less danger of giving him a Full Power. But to refuse, with honour, to ratify that which has been concluded in virtue of a Full Power, the Sovereign must have strong and solid reasons for it ; *and particularly must shew that his Minister transcended his Instructions.*"—Vattel, Book 2, Chap. 12, § 156.

"Every thing that has been stipulated by an Agent, in conformity to his Full Powers, ought to become obligatory for the State from the moment of signing, without even waiting for the Ratification. However, not to expose a State to the errors of a single Person, it is now become a general maxim, that public Conventions do not become obligatory till ratified. The motive of this custom clearly proves, that the Ratification can never be refused with justice, except when he who is charged with the Negotiation, keeping within compass with respect to his Public Full Powers, has gone beyond his secret Instructions, and

* "Obligandonos y prometemos, en fe y palabra de Rey, que aprobaremos, ratificaremos, cumpliremos, y haremos observar y cumplir inviolablemente, quanto por vos fuere estipulado y firmado, para lo qual os concedo todas las facultades y plenos poderes en la forma mas amplia que de derecho se requieren."

consequently has rendered himself liable to punishment, or when the other Party refuses to ratify.'—Martens' Summary, Book 2, Chap. 1. § 3.

The obligation of the King of Spain, therefore, in honour and in justice, to ratify the Treaty signed by his Minister, is as perfect and unqualified as his royal promise in the Full Power; and it gives to The United States the right equally perfect to compel the performance of that promise.

Should it be suggested that The United States themselves have, on more than one occasion, withheld or annexed conditions to the Ratifications of Treaties signed by their Plenipotentiaries in Europe, it will readily recur to you, that, by the nature of our Constitution, the Full Powers of our Ministers never are or can be unlimited; that whatever they conclude must be, and by the other Contracting Party is always known and understood to be, subject to the deliberation and determination of the Senate, to whose consideration it must be submitted before its Ratification; that our Full Powers never contain the solemn promise of the Nation to ratify whatever the Minister shall conclude, but reserve expressly, not only the usual right of Ratification, but the constitutional privilege of the Senate to give or withhold their assent to the Ratification; without which assent, by a majority of two-thirds of the Members present at the vote taken after consideration of the Treaty, the President has no authority to ratify. In withholding or refusing the Ratification, therefore, no promise or engagement of the State is violated. But neither the same reason nor the same principle applies to the King of Spain, who possesses the sole, entire, and exclusive power of ratifying Treaties made by his Ministers, and who, therefore, by the promise, on the faith and word of a King, to ratify whatever his Minister shall sign, commits his own honour and that of his Nation, to the fulfilment of his promise. This distinction is well known and clearly recognized by the Law of Nations.*

The Spanish Government cannot allege either that M. de Onis transcended his secret Instructions, or that the Ratification of The United States has been refused, or that any unfair advantage was taken on the part of The United States in the Negotiation, or that Spain was not fully aware beforehand, of the full extent of the engagements contracted by M. de Onis. It is too well known, and they will not dare to

* The Sovereign who possesses full and absolute power, has undoubtedly the right to treat, in the name of the State which he represents, and his engagements bind the whole Nation. But the Rulers of Nations have not all the exclusive power of making public Treaties: some are under the restriction of taking the advice of the Senate, or of the Representatives of the Nation. It is in the fundamental Laws of each State that we must look for the power capable of contracting valid engagements in the name of the State.—Vattel, Book 2, Chap. 12. § 154.

deny it, that M. de Onis's last Instructions authorized him to concede much more than he did; that those Instructions had been prepared by M. Pizarro; that, after the appointment of the Marquis de Casa Yrujo to the Ministry, they were by him submitted to the King's Council, and, with their full sanction, were transmitted to M. de Onis; that, both in relation to the Grants of lands in the Floridas, and to the western Boundary, the terms which he obtained were far within the limits of his Instructions; that it was known to, and understood by him, that the Grants to Alagon, Punon Rostro, and Vargas, were annulled by the Treaty; that so fully was this his understanding, that, in his Despatches to his Government, he pointed out to them means of indemnifying those Grantees, for their disappointment, from other lands. The Government of The United States, indeed, considered the moderation and generosity of the terms to which they had acceded, as a pledge that they would be received with pride and joy by the Spanish Government. And so, it will not be denied, they were, in the first instance, received by the King of Spain and his Cabinet. If, afterwards, from the unexpected extent of sacrifices which The United States made, for purposes of conciliation, and of sincere amity, Spain has drawn the inference that this temper may be trifled with, and abused, it is proper, and will be just, that she should be effectually undeceived.

Should the Ratification be withheld, it is to be presumed that some other reason than the importance of the Treaty will ultimately be assigned by Spain for withholding it. What that will be, can at present only be conjectured. If the Grants to the Duke of Alagon, and Count Punon Rostro, should be assigned, as forming the objection, you will explicitly declare, that The United States have no compromise to make, and will listen to none on that subject. The insinuation of the Marquis de Casa Yrujo, that those Grants, by the letter of the VIIth Article, would be confirmed, if dated before the 24th of January, 1818, was totally unfounded. M. de Onis knows that the whole of the VIIth Article was finally drawn up, as it stands, with the express intention, declared by me, and agreed to by him, to exclude them from confirmation, whatever might be their dates. M. de Onis, on the first Project of a Treaty, delivered on the 9th of February, had drawn up the Article in such terms as to confirm all Grants made before the 24th of January, 1818. If the Article had even been accepted by us in those terms, it could only, by an unworthy deception, be pretended that it covered the Grants of Alagon, and Punon Rostro, because it had been explicitly agreed, on both sides, that they should be annulled, and because M. de Onis, who always spoke of them as fraudulent Grants, of which he was ashamed for his Country, has repeatedly declared to me, that he signed the Treaty without knowing their dates, but fully believing them to be subsequent to the 24th of January. If, then, the confirmation of the Grants prior to that date had been, as it was first proposed

by M. de Onis, positive and unqualified, and if the Grants had been completely made before that date, there might be some pretence that they were covered by the letter of the Article, though by a mistake common to both Parties, of which a just and honorable Government would disdain to take any other advantage than that of manifesting its good faith, by its cheerfulness and promptitude in rectifying the error, and fulfilling the intention, instead of the letter, of the engagement. But the Article was not accepted in this form. In the Counter-project delivered by me on the 13th of February, the Grants prior to the 24th January, 1818, *the conditions of which should have been performed by the Grantees*, and none other were declared to be confirmed. At the time that the Counter-project was received by M. de Onis, he was confined to his house by indisposition. At his request, the communications between him and me were made by the friendly interposition of the French Minister, M. Hyde de Neuville. M. de Onis insisted on the Article concerning the Grants, as drawn up by him, not for the purpose of covering these Grants, for he professed an earnest desire that they should be annulled, for the vindication of his own character from the aspersion which had been circulated here, that he had a personal interest in them; but he had drawn the Article in these terms, *merely to save the honour of the King*. It was then observed, that the honour of the King could be saved by declaring the Grants prior to the 24th January, 1818, binding *to the same extent* as they would have been upon the Spanish Government, if the Cession to The United States had not been made. It was known and admitted, that neither of those Grants would in that case have been valid, because the conditions, by the Laws of the Indies, indispensable to their validity, neither had been, nor could be fulfilled by the Grantees; and their non-performance had been formally assigned by M. de Onis, in his Letter to me of 16th November, 1818, as his reason for agreeing to their being annulled. But he observed, that there were Grants of old standing, made *bonâ fide* to persons in actual possession of the lands, and having made improvements and Settlements upon them, but who, by the late Revolutions in Europe, and the convulsed state of Spain, had been prevented from completing all the conditions of their Grants; that it would be but equitable to allow them time from the date of the Treaty to fulfil them. To this a ready assent was given, and the Article was thus agreed to: limiting to such Grants alone the confirmation, prior to the 24th of January, 1818.

Minutes of the discussion upon this Article were drawn up in writing at the time by M. de Neuville, Copies of which were furnished both to M. de Onis and to me, prior to the signature, and recognized by us both to be correct. An Abstract from them of all that relates to this Article, together with the Draft of the Article, as first proposed by M. de Onis, of that in our Counter-project, and of the Article as finally

agreed to, are herewith enclosed. They will show that the confirmation of the Grants to Alagon, Punon Rostro, and Vargas, is as effectually excluded by the limitations in the first part of the Article, if their date is prior to the 24th of January, 1818, as by the date itself, if made subsequent to that time. They were not excluded, *by name*, for two reasons: first, conformably to the desire of M. de Onis, *to save the honour of the King*. You will see this distinctly noted in the minutes of M. de Neuville. Secondly, because, from the Despatches of Mr. Erving, it was supposed there were other Grants of the same kind, and made under similar circumstances. To have named them might have left room for a presumptive inference in favour of others. The determination was to exclude them all.

No reliance was placed upon the exclusion by the date, because the Grants having been secretly made, and without the usual formalities, the Copies of them received from Mr. Erving might be unauthentic; because no Copy of the Grant to Alagon had been received; and because, if fraud was to be guarded against, it was well known that antedating was one of its most familiar and favourite expedients. When, shortly after the signature of the Treaty, a rumour was circulated here, that the date of the Grants was one day prior to the 24th of January, 1818, and that this last date had been assumed with the intention, at least on the part of M. de Onis, that they should be confirmed; without admitting the suspicion that he had attempted a deception for which the language of decency has no name, it was yet thought advisable, that no shadow of a pretence should, by any possibility, be raised after the Ratification of the Treaty, by Spain or the Grantees, that those Grants were confirmed, or that either Party of the Compact had understood that they would be, by the Article as it stood. You were therefore instructed, on exchanging the Ratifications, to deliver a declaration of this construction, which it had been the avowed intention of both Parties, at the signature, that the VIIIth Article should bear, in relation to the Grants in question, and the only one which The United States would ever admit. M. de Onis, by his Answer to my Note of the 10th March, unequivocally recognized, that such had been his understanding of the import of the Article when he signed it. He added, indeed, that if he had known that the Grants were of a prior date, he should have insisted upon their being confirmed. But, without remarking that his ignorance of their dates could have no possible effect to render valid that which he had agreed and understood to be null and void, it had escaped his recollection that, in his Note to me of the 16th November, 1818, he had agreed that these Grants should all be annulled, *because their conditions had not been fulfilled by the Grantees*. The President of The United States is yet willing to accept of the Ratification of that Treaty by Spain; it settles important interests; it secures pacific and harmonious relations with Spain; it provides in-

demnities to many of our Citizens for injuries which Spain acknowledges they have suffered from her; and it gives us Florida, a Land useless and expensive to Spain, though, chiefly by its position, valuable to us. But, for all these advantages, we know that we have given, in the same Treaty, ample and generous equivalents to Spain; and she will find herself much deceived if, in the hope of making hereafter a better bargain, she now disdains them. To possess Florida, with the full and fair consent of Spain, is undoubtedly an object of interest to the American Government; but an object of infinitely deeper and dearer interest to them is, to observe towards Spain, and all other Nations, a just, and candid, and single-hearted course of conduct, free from fraud, artifice, or disguise. And that which they observe, they demand in return. They will neither themselves practise, nor from others submit to, a disingenuous, double-dealing system of treachery, paltering with its own engagements, and spreading snares for the generous confidence of good faith.

You will therefore, on no consideration, exchange the Ratifications without delivering the Declaration prescribed by your Instructions, when you took charge of the Treaty; and you will not fail, if the Ratification be withheld, to address an earnest remonstrance to the Spanish Government against the Grants themselves, and the circumstances under which they were issued.

The proposal of M. de Onis's Letter to this Department, of 16th November, 1818, was as follows: "That the late Grants made by His Majesty, in the Floridas, since the 24th of January last, the date of my first Note announcing His Majesty's willingness to cede them to The United States, (the said Grants having been made with a view to promote population, cultivation, and industry, and not with that of alienating them,) shall be declared null and void, in consideration of the Grantees not having complied with the essential conditions of the Cessions, as has been the fact."

And in his Letter of the 10th March, referring to this proposal, he says, "with the frankness and good faith which have uniformly actuated my conduct, and which distinguish the character of the Spanish Nation, I have to declare to you, Sir, that when I proposed the revocation of all the Grants made subsequent to the date above-mentioned, it was with the full belief that it comprehended those made to the Duke of Alagon, as well as any others which had been stipulated at that period."

Here, then, is the express declaration of the Spanish Negotiator of that Treaty: 1st. That the Grants in question were all, in his full belief, when he made the proposal, included among those positively annulled by the date; 2d. That these Grants had been made by the King, with the view of promoting population, cultivation, and industry, and not with that of alienating the Territory; and, 3d. That

the Grants were all null and void, because the Grantees had not complied with the essential conditions of the Grants.

Now, what shall be said after these plain and positive declarations, when Spain advances, as the only ground of pretence that these Grants were confirmed by the Treaty ;—that they were dated before the 24th January, 1818, indeed ; but, after the Instructions by which M. de Onis was authorized to make his proposal of that date, for the Cession of the Floridas, had been despatched to him from Madrid ? What becomes of his positive assurance that these Grants were made for the population and improvement of the Territory, and not with a view of alienation ? And what was the meaning of Spain in stipulating, that an acknowledged debt of Indemnities from her to Citizens of The United States, at least to the amount of 5,000,000 dollars, should be paid from the proceeds of Public Lands in Florida, when she now comes and says, that, even while her Minister was signing this Compact on her part, his Sovereign, by a secret and irregular alienation of the Lands, had made its accomplishment impossible ? In whatever other light it is to be considered, it is an injury to The United States, for which they are entitled to demand and obtain satisfaction. When the Government of a Nation degrades itself, by flagrant and notorious perfidy, those who are constrained to entertain political relations of neighbourhood with them, are justified by the law of nature, and it is their duty to themselves, in subsequent transactions with such a State, to take pledges of security, for the performance of its engagements, more effectual than confidence in its good faith. Such pledges are amply within the reach of The United States, in their intercourse hereafter with Spain ; nor is it to be presumed that those who are intrusted with the maintenance of the rights and interests of this Nation, will overlook, or neglect, the duty which may be devolved upon them, of taking them.

This Despatch will be delivered to you by Captain Read, of the *Hornet*. If the ultimate decision of the Spanish Government upon the Treaty, should be still pending, on his arrival at Madrid, you will demand it immediately, giving notice that a delay of more than one week, after your communication, will be taken as a refusal. At the expiration of that time, or sooner, if the decision be made known sooner to you, you will despatch Captain Read, that his return to this Place may, with all confidence, be expected by the 20th November. Should the Ratification be exchanged, your leave of absence, contemplated when you left this Country, may be used at your discretion ; but if not, the President thinks it best that you should remain at Madrid, to await the contingency of events upon the meeting of Congress.

I am, very respectfully, &c.

Mr. Forsyth.

JOHN QUINCY ADAMS.

No. 35.—Mr. Forsyth to the Marquis de Casa Yrujo.

SIR,

Madrid, May 18, 1819.

THE Treaty concluded on the 22d of February, 1819, at Washington, by Mr. Adams on the part of the Government of The United States, and the Chevalier de Onis on the part of His Catholic Majesty, has been entrusted to me by the President of The United States, duly ratified; and I am prepared to exchange the Ratifications of this Instrument at any moment it may suit the convenience of your Excellency. From the nature of the engagement, it is desirable that the earliest exchange should be made; and this would be particularly convenient, as an opportunity is afforded of sending this important Document to my Government, by the American Ship of War, *Hornet*, now in the Harbour of Cadiz, and destined, in a few days, to The United States.

I seize with avidity every opportunity, &c.

H. E. the Marquis de Casa Yrujo.

JOHN FORSYTH.

No. 36.—Mr. Forsyth to the Marquis de Casa Yrujo.

SIR,

Madrid, 4th June, 1819.

ON the 18th of May last I addressed to your Excellency an official Note, to inform you, "that I was ready to exchange the Ratifications of the Convention, &c., concluded at Washington, by Mr. Adams and the Chevalier de Onis, on the 22d February, 1819; that it was desirable, from the nature of that Instrument, that an immediate exchange of Ratifications should be made; the more especially so, as I had an opportunity of sending it, when ratified by the King, to The United States, by the American Sloop of War, *Hornet*, then and now lying in the Harbour of Cadiz." The time at which it will be necessary for that Vessel (by the return of which the American Government expects to receive the Treaty ratified by His Majesty,) to sail for The United States has so nearly arrived, that it is my indispensable duty to call your Excellency's attention again to the subject of that Note. It would be painful for me to see this Vessel depart without the Treaty. The Government of The United States had a just and well-founded expectation that no unreasonable delay would take place; and therefore looked to the return of this Vessel for the Instrument, executed with due formalities. Her arrival without it will not fail to make the most unfavourable impressions. To obviate such an effect is beyond my power, as I can perceive no adequate motive to prevent His Majesty's Government from acting on this subject prior to her departure from Spain. Your Excellency will not deem me unnecessarily importunate or unreasonable, when I ask an immediate attention to this business; and express my conviction, that an Answer will be given to this, and to my Note of the 18th May, already alluded to, on the

earliest day that the convenience of His Majesty's Government will permit.

I renew to your Excellency, &c.

H. E. the Marquis de Casa Yrujo.

JOHN FORSYTH.

No. 37.—Don Manuel Gonzales Salmon to Mr. Forsyth.—(Translation.)
SIR, *Palace, 19th June, 1819.*

THE King, my august Master, has informed himself of the contents of your 2 Notes of the 18th of May last, and 4th instant, in both of which you state, that you are ready to exchange the Ratifications of the Treaty concluded at Washington, on the 22d of February last, by Don Luis de Onis and Mr. Adams; and that, from the nature of that Treaty, and the favorable opportunity of transmitting it to The United States by the *Hornet*, Sloop of War, you are desirous that the said exchange may be made as expeditiously as may be.

I have also submitted to His Majesty the purport of your verbal communications to me on this subject, and I again brought to his view your observations thereon in the 2 several Conferences I have had the honour to hold with you.

His Majesty has, in consequence, commanded me to inform you, in reply, that, on reflecting on the great importance and interest of the Treaty in question, he is under the indispensable necessity of examining it with the greatest caution and deliberation before he proceeds to ratify it.

This being all I am enabled to communicate to you on this point, for the present, I avail myself, &c.

Mr. Forsyth.

MANUEL GONZALES SALMON.

No. 38.—Mr. Forsyth to Don Manuel Gonzales Salmon.

SIR,

Madrid, 21st June, 1819.

THE determination of His Catholic Majesty to delay the exchange of Ratifications of the Treaty signed on the 22d February, at Washington, by Mr. Adams and the Chevalier de Onis, as communicated by your Excellency's Note of the 19th instant, in reply to my Notes of the 18th May, and the 4th of the current month, fills me with regret. As the subject matter of that Treaty has been for Years before the 2 Governments, both of whom have, no doubt, long since discussed and deliberately determined upon what they would respectively claim and yield, I took it for granted no motive for delay could exist. Your Excellency's Note, while it states to me the fact, that a longer delay is contemplated, does not enlighten me as to the cause. The measure is, no doubt, important and interesting to His Majesty's Kingdom; but no new light can have broken in upon the subject since the Instructions were given to the Chevalier de Onis, upon which the Treaty is founded on the part of Spain—no change of the circumstances of the Parties to

it has occurred ;—no new causes of difficulty, or complaint, are known to exist. Although the words of the Treaty allow 6 months to elapse before the Instrument is annulled, if the exchange of Ratifications is not previously made, I must represent to your Excellency, that every hour's delay is at variance with the spirit of the Instrument. The time stipulated was, to guard against accidents, extended to the longest period which, under any circumstances, could be required to effect the exchange. Had the distance of our respective Governments permitted, the time fixed would not have been extended beyond a single day. If the Government of The United States had not gratuitously offered the exchange here, His Majesty would have been compelled, ere this, to have transmitted the Treaty ratified on the part of Spain to America, or have lost the benefit of the Convention. You will recollect, that no place is fixed at which the exchange is to be made. It is to the confidence of the American Government in the good disposition of Spain, that the King, your Master, is indebted for the opportunity thus to delay acting upon the subject. The ill consequences which will ensue from this postponement, and the impression likely to be made by it, can be easily foreseen. Your Excellency may correctly estimate the conjectures to which it will give birth in The United States from what is passing here. You, perhaps, are yet to learn, that the delay of the last month has given rise, at the seat of His Majesty's Government, among his own Subjects, to the most monstrous and absurd suppositions. Among the subjects of Spain, those who best know the integrity of the King, and the purity of his Councils, it is asserted, that an act required by the policy of this Government, essential to the interests of this Kingdom, and demanded by the honour of the King, will not be performed. Yes, Sir ; the King is calumniated in his very Capital by a most unjust surmise, that there will be a refusal to do that which the reputation of Spain requires,—that which Spain dare not refuse to do. Your Excellency will not understand this as threatening His Majesty's Government with the consequences which might ensue from the resentment of The United States, if it were possible for Spain to act in this business with bad faith. Threats are used by conscious weakness, not by conscious strength. I know too well the abundant resources, the expanding power, the youthful vigour of my Country, to degrade her character by using language unworthy of it ;—if not by my respect for Spain, I should be prevented by the fear of the deserved resentment of my own Country ; I should not be easily forgiven for condescending to say how she would punish an act of perfidy. It is by her acts, and not by the railings of her Ministers, that she will be known to those who violate the faith pledged to her. But there is this, which a just Government will more cautiously avoid than even the well-founded resentment of a powerful Nation—the degradation of conscious baseness. No wise King will dare to do an act which would deprive him of the re-

spect of all Nations, sully the reputation of his Kingdom in the eyes of the civilized World, and deprive his People of the strongest incentive to virtuous exertion under any dispensation of Heaven—the confidence in the integrity of their Government. If, even in Spain, unjust surmises and unfounded mistrusts are entertained, your Excellency, recollecting the lately subsided irritations of long-continued disputes with the Government of His Majesty, will not be surprised that, in The United States, the same cause should produce, not suspicions, but firm convictions of the intention of this Government to disappoint the expectations reposed in its good faith. I know, full well, that, in 2 months, the act of the exchange of Ratifications will prove that these harsh convictions have been hastily and incorrectly formed; but the impression of them may remain, and the motive for the delayed exchange may be misunderstood. I have used every effort to avert it, but in vain. If my apprehensions should not be realised, I shall heartily rejoice.

It only remains for me to say, in this last Note that I shall address to your Excellency on this subject, that, whenever His Majesty directs you to exchange the Ratification of the Treaty of the 22d February, 1819, I am prepared, at any period before the 22d of August, on the part of my Government, to perform that ceremony.

I renew to your Excellency, &c.

H. E. Don Manuel Gonzales Salmon.

JOHN FORSYTH.

No. 39.—Don Manuel Gonzales Salmon to Mr. Forsyth.—(Translation.)
SIR, *Madrid, 10th August, 1819.*

I DULY received the Note you were pleased to address to me, dated the 21st of June last, in answer to that which I had the honour to write to you on the 19th of the same month, being my reply to your Notes of the 8th of May and 4th of June, requesting the speedy ratification and exchange of the Treaty, lately concluded at Washington, on the 22d of February of the present Year, between His Majesty, the King, my Master, and your Government.

In my said Reply, I confined myself to stating to you, that His Majesty, having taken that important subject into his most serious consideration, had found it indispensably necessary to examine the Treaty with the utmost caution and reflection before he proceeded to ratify it.

In your Answer, you express your surprise at the delay attending a transaction, which, having been already thoroughly discussed, could require no renewed examination of its final and definitive decision; and the more so, as the circumstances which led to it had experienced no change with either Party. You proceed to develope at length, the injurious effect that, in your opinion, must be produced by the delay of the Spanish Government, in concluding this affair, and also of the dis-

agreeable consequences that you foresee must result from that delay ; and you conclude, by stating, that whenever His Catholic Majesty shall please to authorize me to exchange the Ratifications of the Treaty of 22d February, 1819, you are ready to execute that Act on behalf of your Government, at any time prior to the date of the 22d of August.

It would have been desirable, if you had confined yourself, in your said Note, to expressing your surprise, and that of your Government, at the delay on the part of Spain, in terminating, by her Ratification, an affair which, according to the intentions of both, was to be considered as concluded, and to earnestly requesting the exchange of the same ; by which the wishes of your Government, and one of the principal objects of your arrival at this Court, would be accomplished.

Thus, it is to be supposed, that you would have only conformed to the Instructions which you will probably receive from your Government ; and, therefore, other expressions and phrases you have used in your Note, cannot fail to appear very extraordinary, which your ardent zeal for the interests of your Nation, has doubtless, prompted you to employ, but in which you have been carried farther than really could have been wished.

The expressions and phrases alluded to, which I refrain from otherwise specifying, are, to say the least, entirely superfluous, and consequently, foreign to the subject in question ; they have, therefore, surprised the more, as, in no possible case, can they be applicable to the Spanish Government, or to its Agents. Convinced of the rectitude and justice of its rights, and of those ever prescribed by the bounds of moderation, it never has, in its Communications, permitted itself to go to such extremes as would justify the proceeding now adverted to.

There would be much to remark upon a style so unusual in Diplomatic Communications, and still less conformable to the sentiments of mutual friendship and harmony, which should exist between the 2 Governments of Spain and the United States of America, as well as of those which, as its Representative, you are in a situation to express ; but I shall abstain from any particular detail or comment upon your expressions, and confine myself merely to declare to you, as I have already done, the extreme surprise produced by that part of the contents of your Note.

I am, at the same time, authorized by the King my Master, to inform you that, having deliberately weighed the important subject which forms the principal object of your Communication, he is of opinion, that a final decision cannot be taken thereupon without previously entering into several explanations with the Government of The United States, to some of which your Government has given rise.

His Majesty has therefore been pleased to charge, with confidence, a Person possessing all the qualifications necessary for bringing this interesting trust to a happy conclusion, who will forthwith make known to The United States His Majesty's intentions on this point, in order that, all obstacles being removed on the one side, and cleared up on the other, all the doubts which have arisen may be done away, and a full and satisfactory accomplishment given to the earnest desire which has animated the King, my Master, on this subject, which certainly has uniformly been to see the friendship and good understanding subsisting between both Governments, established on the most solid basis, and secured against future chances of interruption.

His Catholic Majesty persuades himself that the Government of The United States, in accordance with these principles and sentiments, far from refusing to admit these new explanations, will cheerfully receive them as a proof of the good faith and frankness of the conduct of Spain; and that they will accede to her views by promoting also on their part, the speedy conclusion of an affair productive of the mutual advantage of both Powers.

I offer, &c.

Mr. Forsyth.

MANUEL GONZALES SALMON.

No. 40.—Mr. Forsyth to Don Manuel Gonzales Salmon.

SIR,

Madrid, 12th August, 1819.

I RECEIVED this morning, your "Oficio" of the 10th instant. Some of the expressions of the Note which I had the honour to present to His Majesty's Government, on the 21st of June last, appear to have given offence. As you have not specified the particular phrases or expressions which are considered censurable, I can only say, that it was far either from my wish or intention to treat His Majesty's Government with disrespect, or to use terms calculated to interrupt the harmony and good understanding which ought to exist between it and The United States. I came here instructed by the President, and animated by the warmest wishes to strengthen, not to weaken, the almost broken bands of amity by which the 2 Nations are still united. I can but regret that, in my zeal to promote this great object, I have used language capable of being misunderstood. You will consider that this regret does not spring from a conviction that the construction put upon my Note is just. So far from admitting this, I must insist that there is nothing contained in it, which, if rightly interpreted, could be deemed objectionable; and I cannot but indulge the belief that the language has been held offensive, not from its genuine and original import, but from some fatality in its application. As to the remarks you have been pleased to make, that these unusual expressions were idle, (*ociosos*) not pertinent to the business in question, and not com-

mon in diplomatic Communications, they are not sufficiently important to merit a distinct reply. The two first it is not the province of His Majesty's Government to reprove; to my own Government I look for approbation or censure. There is no doubt that the pertinency of the matters referred to, will not escape its penetration. Should I be convicted of the offence of departing from the ordinary diplomatic style, I shall find abundant consolation in the consciousness of having expressed just sentiments in simple terms. The course pursued by the Government of His Catholic Majesty, and intended to be persisted in, as indicated by your Note, is much more likely to disturb the harmony of the 2 Nations, than the intemperate zeal of the Representatives or Agents of either. On the 22d of February, the Convention was signed at Washington, by Mr. Adams and the Chevalier de Onis. In April a Copy of it was received in Spain from the Messenger sent by the Spanish Minister from America. It is not necessary to remind you, that the satisfaction of this Government in the termination of this important business was marked by the distribution of honours in the gift of the Crown, to Persons very remotely connected with the transaction. What has produced the very surprising change in the opinions then entertained on this subject, is for you, Sir, to explain, if you think proper, but is what I cannot imagine. On the 18th of May, immediately after my introduction to His Majesty, the Note of that day was delivered. It was therein stated, that the Treaty ratified by The United States was in Madrid, and an immediate exchange of Ratifications was asked, that this important Document might be sent to my Government by a Vessel of War, bound in a short time from Cadiz to America: to this no reply was given. Under the expectation entertained from several conversations with the Marquis de Casa Yrujo, the substance of which has been verbally stated to you, the Vessel was detained in the Port of Cadiz until the 2d of July. In this interval, the only Communication received on this important subject, was your Note of the 19th of June, the purport of which was, that His Majesty found it necessary to proceed, with the deliberation and slowness demanded by its importance, to consider the subject of the Treaty. On the 12th day of August, His Majesty's Government gives notice, by your Note of the 10th, of its determination—to ratify? no, Sir, to send a Person to Washington, possessing the confidence of the King, and having the necessary qualifications to terminate happily this affair. Can it have escaped the observation of this Government, that this affair must terminate in 10 days? While a failure to resolve finishes the business in a few days, this Government thinks that a definite resolution cannot be taken without first entering into various explanations with The United States, to some of which the Government of the said States has given occasion. What circumstance in the history of this affair sustains the assurances that His Majesty finds himself animated by the most vehe-

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ment desire to preserve a good understanding with, and the friendship of, The United States? Is it the disappointment of the rational anticipation, indulged in America, that the Treaty ratified by Spain would be carried there in the Ship-of-War, *Hornet*? The determination to send a Messenger to The United States for explanations, at this period, when his voyage, as it regards the Convention, must be useless; and the only hope which can be entertained from it, is, that a new Negotiation may be commenced?—A circumstance of especial weight, when it is recollected that this Messenger might have been sent to Washington, the desired explanations might have been asked and given there prior to the 22d of August, if the King, your Master, had decided promptly on this course. Or, is it in the inexplicable and studious avoidance of the natural order of proceeding in a case of this kind;—an application to the Minister of The United States, near the Court of His Majesty, for these necessary explanations, when they might have been, possibly, long since given, before the period arrives when the Convention of the 22d of February ceases to be obligatory upon the Parties to it? You will forgive, me, Sir, if I perceive in none of these circumstances indications of those vehement desires by which His Majesty's Government is animated, to establish, on a solid basis, a good understanding with The United States, to which, in the usual style of diplomatic Communications, you refer. Since, however, I am bound and most willing to believe their existence, although the conduct of Spain has a tendency to force a different conviction upon the mind, allow me to suggest the only mode in which they can now be fully manifested and gratified. With that frankness and openness so honourable to all Nations, and by which the Castilian character has been distinguished,—disclose the difficulties that appear to interpose themselves to prevent the immediate conclusion of this affair. I am fully instructed by the Government of my Country upon the only point on which it can have given a motive for explanations, and while I cannot imagine what others are wished for, I persuade myself that I am so well possessed of its wishes and intentions as to be able to give full satisfaction to His Majesty upon any part of the Treaty, the elucidation of which may be desired.

I renew to you, Sir, the assurances, &c.

H. E. Don M. G. Salmon.

JOHN FORSYTH.

No. 41.—Don Manuel Gonzales Salmon to Mr. Forsyth.—(Translation.)

SIR,

Palace, Madrid, 19th August, 1819.

I HAVE received the Note you were pleased to address to me of the 12th instant, in answer to that which I had the honour to write to you on the 10th, announcing the decision which the King, my Master, had judged proper to adopt in relation to the Treaty concluded at Washington, between the Government of Spain and The United States.

In that Note you begin by endeavouring to justify the meaning of the expressions contained in your's of the 21st of June, which, however, appear not the less extraordinary and surprising, as I have already intimated to you. But, on this head, I refer to what I have had the honour to express to you in my said Note, by which the question will be considered as put at rest, and that on no account will it be agreeable to revive it.

I therefore proceed at once to reply to the leading object of your Note; and I flatter myself that my Answer will convince you, on the one hand, that the Government of His Catholic Majesty could not observe a course different from that which it has taken on this occasion; and, on the other, that the determination of His Majesty to adopt that course, is founded upon his earnest wish, as I have already stated to you, to establish the amicable relations of both our Governments upon a secure and permanent basis.

It is a fact of general notoriety, and must therefore be well known to you, that, as soon as the Treaty, concluded between His Catholic Majesty and the Government of The United States, was received here, and its Stipulations became known, this important subject was taken into the most serious consideration by the King, my Master, as well to examine its provisions minutely, as to investigate the consequences to which it might give rise in relation to your Government. From that time, this important business has almost exclusively occupied the attention of the Spanish Cabinet; and it was not until after it had received the most mature deliberation, that His Catholic Majesty resolved that no final decision could be taken upon it, without previously entering into various explanations and eclairsissements with the Government of the United States of America.

Any other determination which might have been taken previous to this step, would have been, to say the least, precipitate, and exposed to the inconveniences which it is wished to avoid; and especially not to leave the relations of good understanding re-established between both Nations liable to interpretations, but to place them on solid and stable principles, as permanent as the sincere and perfect friendship and harmony which it is desired to establish between the 2 Governments.

The explanations and eclairsissements desired by His Majesty, before a definitive resolution could be taken by him on the affair in question, are not of a nature to be obtained by the means of a Messenger despatched to The United States, and the answer to which could arrive here before the 22d of the present month; and still less by reason of the retreat of the Minister Plenipotentiary of His Catholic Majesty, who, having made the Treaty, and being thoroughly possessed of the whole course of the Negotiation, was best qualified to demand the explanations desired. Besides, it having been the uniform wish of His Catholic Majesty to proceed with all possible care and

circumspection in an affair of such moment, and having thus investigated it, as I have before stated to you, this circumstance would not have given occasion for the despatch of the Messenger, as intimated by you.

Nor could the explanations alluded to be entered into here under existing circumstances, on account of the want of time in the short space proposed by you. His Majesty has therefore resolved to appoint a confidential Person to proceed to the Government of The United States for the purpose of obtaining them; thereby giving a new proof of his deference for the American Government, by his desire to be thoroughly informed of every thing which has passed in relation to the Treaty.

It is true, that when this determination which the King, my Master, has been pleased to take in relation to this affair, will come to the knowledge of your Government, the epocha of the 22d of August will have elapsed; but this circumstance need prove no obstacle to the obtaining the requisite explanations and eclairecissements on the Treaty, as it is to be supposed that the American Government would readily have afforded them at an earlier period, if the circumstances before pointed out had not prevented their being required immediately.

The Communication which I had the honour to make to you on the 10th instant, and which could not have been made sooner, has been realized in due time; and certainly the Government of The United States cannot fail to receive it favourably, if their desires, in conformity with those of His Catholic Majesty, are directed to the auspicious object of seeing the differences which existed between both Governments at once terminated, and their amicable relations consolidated upon a firm and permanent basis.

This being the sole object proposed by His Catholic Majesty, he has judged, that, in order to attain it, there was no mode more fit and suitable than to investigate and explain, before he gave his sanction to an agreement which is to serve as a basis of the future relations between the 2 Powers, whatever doubts and elucidations it might have given rise to. He has therefore determined to despatch, to the seat of the American Government, a Person charged with stating to it frankly and candidly the wishes of the King, my Master; which he flatters himself will be fully accomplished, if he is met by similar dispositions, which it appears must be the case, if your Government cherish the same sentiments by which His Majesty is animated.

In consequence of what I have herein stated, I trust that you will agree with me, that the Government of the King, my Master, has proceeded in this affair with all prudence and circumspection; that it has not been possible for it to take a decision upon it until it had previously instituted a full investigation, without being exposed to the hazards of a precipitate determination; and, finally, that the resolution of His

Catholic Majesty, far from being liable to an unfavourable interpretation, is the most conducive to promote the principle connected with this affair, and the most likely to regulate in a satisfactory manner, while it at the same time reconciles the interests of both Nations.

In this persuasion, I cannot but flatter myself that your Communications to your Government will accord with this sentiment, and that they will tend to remove any doubtful interpretation that it might give to the determination adopted by His Catholic Majesty, and which I have already had the honour to communicate to you.

I avail myself with pleasure, &c.

Mr. Forsyth.

MANUEL GONZALES SALMON.

No. 42.—Mr. Forsyth to Don Manuel Gonzales Salmon.

Madrid, 21st August, 1819.

THE Undersigned, Minister Plenipotentiary of The United States, near His Catholic Majesty, perceives, with regret, but without surprise, from Sr. Don Manuel Gonzales Salmon's Note of the 19th instant, that the determination made by the Government of Spain, not to ratify the Convention of the 22d February, signed at Washington, by Mr. Adams and the Chevalier de Onis, will not be changed. The Undersigned will not waste his own time nor incroach upon that of His Majesty's Government, by any observations on the said Note, but will proceed to discharge the only duty which, on this subject, remains for him to perform. He has the honour formally to announce, that, after the 22d day of the present month, as the Ratifications of the Convention of the 22d February will not have been exchanged, all the claims and pretensions of The United States, which, with the spirit of moderation, the love of Peace, and the delusive expectation that all causes of difference and dispute with Spain would be thereby adjusted and settled, they consented to modify or waive, will stand in the same situation as if that Convention had never been made. That The United States will hold themselves free to press and enforce them in any and every mode consistent with honour, that their interest may require. On the extraordinary steps taken by His Majesty's Government, in this affair, the Undersigned will not remark, lest he should forget that respect which is due to the Government near which, as the Representative of another, he is sent to reside. Of the rumours that prevailed on this subject, before the decision of His Majesty's Government was known, a decision he could not anticipate, the Minister of The United States expressed himself in terms sufficiently strong. As the recent determination has proved that there was but too much truth in what he believed to be unfounded reports and gross calumnies, the Undersigned must leave it to His Majesty's Government, upon whom that obligation rests, to shew upon what grounds that determination is reconcilable to honour and good faith. The Undersigned laments that, while

communicating to his own Country this unexpected result, it is not in his power to unfold the train of reasoning by which His Majesty's Government has been deluded into a belief that the course taken could be followed without serious injury to the reputation of Spain. The United States, after waiting more than 20 years, with a patience and forbearance unexampled, the operations of reason and justice upon the councils of Spain, will see with astonishment, this new instance of her apparent disregard to both. The Minister of The United States, when transmitting his Correspondence with His Majesty's Government to his own Country, will not omit to state the assurances verbally given to him, of His Catholic Majesty's earnest desire to cultivate the good will of The United States: unfruitful professions, that cannot but produce all the effects they deserve, and all that could be rationally expected from them. The Undersigned renews, &c.

H. E. Don M. G. Salmon.

JOHN FORSYTH.

No. 43.—Mr. Forsyth to the Duke of San Fernando and Quiroga.

SIR,

Madrid, 2nd October, 1819.

THE Government of The United States, having been prepared to expect the possibility of a failure on the part of Spain to ratify the Convention of the 22d of February last, by the extraordinary delay to decide upon this subject, and the determination of the King further to postpone that decision, as communicated in the Note of M. Salmon to me of the 19th of June, have instructed me, should the final decision on it by the King not be made prior to this time, to inform the Government of His Catholic Majesty, that, although the 6 months stipulated in the Treaty, within which the Ratifications were to be exchanged, have expired; that the Ratification of Spain, made with the explicit understanding that the large Grants of land in Florida to the Duke of Alagon, the Count of Punon Rostro, and M. Vargas, and all others, made under similar circumstances, are, by the VIIIth Article of that Convention, null and void, and will be so held by The United States, will be accepted as valid; and I am authorized to receive the Spanish Ratification for that of The United States: provided, this exchange shall be immediate. This exchange must take place soon enough to enable me to send the ratified Treaty to The United States by Captain Read, of the Sloop of War, *Hornet*, of the Navy of The United States, who will remain in Madrid 10 days, to carry to the President the final determination of Spain on this important subject. Having received from your Excellency's Predecessors in office no explanation of the particular causes of the delay that has taken place, it is in my power only to explain the reasons which induce the Government of The United States to insist upon an explicit understanding of the force and obligation of the VIIIth Article of the Treaty, prior to the exchange of Ratifications; an understanding which will be fully shewn

by a Declaration I am instructed to present at the time of the exchange, should it ever take place, a Copy of which is enclosed. It was rumored in The United States, and since my residence in Madrid I have been informed, that the large Grantees declare that their Grants are valid under the VIIIth Article. It has been asserted, with the strongest appearances of truth, that the determination of the Government of The United States to hold them void, as expressed in the Letter of Mr. Adams, the Secretary of State, to M. de Onis, of the 10th of March, 1819, has been one of the chief causes of the extraordinary delay to decide upon the Ratification of the Instrument in Spain. It is necessary to the honour and the interest of The United States, whose conduct to Spain and to all Nations, is governed by frankness and justice, free from fraud, artifice, and disguise, which they will never practise, nor from others submit to a disingenuous, double-dealing system of treachery, paltering with its own engagements, and spreading snares for the generous confidence of good faith, to place this subject beyond the reach of difficulty or doubt. Without knowing, therefore, the dates of the respective Grants alluded to, and supposing it barely possible that there is a foundation for a pretension of the Grantees, under the VIIIth Article, the Government directs me to present the Declaration in question, not less essential to its own interest than to the honour of the King of Spain, since His Majesty would be subjected to the most unworthy imputations, if, under the circumstances, a claim should be made by his Subjects, or those holding under them, founded upon the alleged validity of these Grants.

To suppose that your Excellency is not in possession of all the facts in relation to this subject, would be a reflection on the zeal and fidelity of the Representative of Spain in The United States, which I would be unwilling to cast upon any Officer of His Majesty's Government. I do not, therefore, send you Copies of those Documents, which shew explicitly that, prior and subsequent to the signature of the Treaty, it was expressly understood by the Negotiators of that Instrument, that the VIIIth Article, written by the Spanish Minister himself, excluded these Grants. In fact, when the Lands of Florida were ceded, with an express Stipulation, that the Claims of the Citizens of The United States upon Spain were to be paid out of the proceeds of the sale of them, to suppose that the Spanish Government had disposed of the whole, or the greater part of them, in gifts to its Subjects, and will insist upon the validity of those gifts, is to suppose it capable of an act of notorious and deliberate perfidy. The Government of my Country considered that the Treaty became, from the moment of its signature by the Chevalier de Onis, and the Ratification of The United States, as binding upon the honour and good faith of the Spanish King and Nation, as it would be after the Ratification. Although I do not understand that this position is, or will be, contested by Spain, it may not be

useless to shew its strength fully to the view of your Excellency. The words of His Catholic Majesty, in the Full Power given to M. de Onis, the original of which was delivered to the American Government before the signature of the Treaty, are, after authorizing M. de Onis to treat, negotiate, and conclude, a Treaty, whereby past differences may be adjusted, and a firm and lasting Peace established between the 2 Governments, “Obligandonos y prometemos, en fé y palabra de Rey, que aprobaremos, ratificaremos, cumpliremos, y haremos observar y cumplir inviolablemente, quanto por vos fuere estipulado y firmado, para lo qual os concedo todas las facultades y plenos poderes, en la forma mas amplia que de derecho se requieren.” If the usage of Nations, which requires the Ratification of the Sovereign for the full confirmation of a Treaty, could create any doubt of the import of language so unqualified or explicit, there is nothing dubious or uncertain in the extent of the obligation resting upon him, by the signature of his Ministers, vested with such Full Powers. Upon this principle, the following quotations, from Vattel and Martens, are decisive Authorities : “Sovereigns treat together by the agency of their Attornies or their Mandatories, clothed with sufficient Powers ; they are commonly called Plenipotentiaries. All the rules of the law of nature, concerning things performed by Commission, are here applicable. The rights of the Agent are defined by the authority given to him. From this he must not depart ; but, whatever he promises *within the terms of his Commission, and according to the extent of his Powers, is binding upon his Constituent.*” At this time, to avoid all danger and difficulty, Princes reserve to themselves the right of ratifying that which has been concluded by their Ministers in their name. The Full Power is merely a Commission cum libera. If this Commission were to have its full effect, it should be given with the utmost circumspection. But, as Princes can be constrained to fulfil their obligations only by force of arms, the custom has arisen of relying upon their Treaties only after they have sanctioned and ratified them. Whatever the Minister has concluded remaining ineffectual until the Ratification of the Prince, there is less danger in giving him a Full Power. But to refuse, *with honour*, to ratify that which has been concluded in virtue of a Full Power, the Sovereign must have strong and solid reasons for it, and *particularly he must shew* that his Minister transcended his Instructions.” Vattel, Book 2, Chap. 12, §. 156.

“Every thing that has been stipulated by an Agent, in conformity to his Full Powers, ought to become obligatory for the State, from the moment of signing, without ever waiting for the Ratification. However, not to expose a State to the errors of a single Person, it is now become a general maxim, that Public Conventions do not become obligatory until ratified. The motive of this custom clearly proves, that the Ratification can never be refused with justice, except when he

who is charged with the Negotiation, keeping within compass with respect to his public Full Powers, has gone beyond his secret Instructions, and consequently has rendered himself liable to punishment, or when the other Party refuses to ratify." Martens' Summary, Book 2, Chap. 1. § 3.

But why should quotations be made, to prove a principle so familiar to every man in public or private life, that what is promised in his name, by his authority, and according to his directions, is as binding in honour and conscience, as if he had pledged himself in person? The obligation of the King of Spain, therefore, in honour and in justice, to ratify the Treaty signed by his Minister, is as perfect and unqualified as his royal promise in the Full Power, and it gives to The United States the right, equally perfect, to compel the performance of that promise. It is well known to my Government, that the Spanish Government cannot allege, that its Minister transcended his secret Instructions, or that the Ratification of The United States has been refused, or that any unfair advantage was taken by The United States, in the Negotiation, or that Spain was not well aware, before hand, of the full extent of the engagements contracted by M. de Onis. It is too well known to be denied, that the last Instructions of M. de Onis authorized him to concede much more than he did. The Government of The United States, indeed, considered the generosity and moderation of the terms to which they had acceded, as a pledge that they would be received, as in the first instance they were received, by His Catholic Majesty, and his Royal Council, with pride and joy. If, from the unexpected extent of the sacrifices The United States made, for the purposes of conciliation, the conclusion has been drawn, that their conciliatory temper may be trifled with and abused, it is just and proper that Spain should be effectually undeceived. I am, therefore, instructed further to inform your Excellency that, if the ratified Copy of the Treaty should not arrive in The United States before the first day on which the Congress of The United States meets, the President will lay before that Body all the transactions relating to the Treaty, and such measures will be adopted by the competent Authority, as the exigency of the case may require. Whatever may be determined upon, Spain will be responsible to The United States for all damages and expences which may arise from the delay to ratify, and from the measures to which The United States may resort, to give efficacy to their rights, and that for the indemnities to which they will be justly entitled, by this violation of faith by Spain, The United States will look to the Territory west of their present western Boundary, on the Gulf of Mexico.

To this proposal, made in the spirit of moderation, of generous forbearance, and with the earnest desire of sincere amity with Spain, I am instructed to require an immediate, explicit, and unequivocal, reply. Should this reply not be made before the 10th of the current month, I give formal notice to your Excellency, that the proposal will be con-

sidered as rejected, and the proper communication will be made to the President of The United States.

I renew to your Excellency, &c.

H. E. The Duke of San Fernando.

JOHN FORSYTH.

No. 44.—The Duke of San Fernando and Quiroga to Mr. Forsyth.

(Translation.)

SIR,

Palace, Madrid, 8th October, 1819.

HAVING had the honour to lay before the King, my Master, the contents of the Note which you addressed to me on the 2d instant, His Majesty, whose justice and impartiality are so universally known, having examined the principal points embraced therein, has commanded me to answer you as follows :

The official Communications addressed to you by Don Manuel Gonzales Salmon might exempt me, it would seem, from all further discussion of the subject in question ; inasmuch as His Majesty, actuated as well by the claims of his honour and duty, as by a uniform spirit of justice and conciliation towards The United States, and pursuing the example of his august Predecessors, who at an early period, and to promote the very establishment of the American Government, gave such abundant proofs of similar dispositions, had determined, upon mature reflection and deliberation, to send a Minister to that Government, who, after requiring and giving the necessary explanations, might terminate this affair ; and, as neither the actual state of the question, nor what you have been pleased to communicate to me, presents any motive for changing a resolution so deliberate and so just, and which the honour of His Majesty also forbids, there appears to be a still more urgent motive to confirm it.

With this Answer I might leave you completely satisfied ; but I especially take leave, with the permission of the King, my Lord, to reply to some of the points treated of in your Note, with the brevity and precision which characterize me ; and because you state that you have not yet received an explanation of the delay in ratifying the Treaty, and attribute it to the difficulties arising out of its VIIIth Article, you will permit me to remark to you, that this delay does not manifest that want of good faith, or the artifice which is indirectly insinuated ;—it is rather the declaration now demanded by you, and previously announced by your Government, after having signed and ratified the Treaty ; a declaration which, by annulling one of its most clear, express, and conclusive, Articles, seemed much more likely to give room for a similar charge, in opposition to yours.

If your Government, as you are pleased to state to me, really believed that the Treaty, from the moment it was signed, became equally obligatory on Spain as it was on The United States, under whose immediate inspection it was formed, signed, and ratified, you

will permit me to remark, that, whether we consider that point, or weigh the authority of others, cited by you in support of your opinion, the deductions from them, and the weight of many others I now forbear to adduce, as it might seem to offend your illustration, militate against you. But even fancying them for a moment, without ever admitting them, the very Authorities which you deem conclusive, in relation to a Treaty, signed, but not ratified, are opposed to you, or require, still more forcibly, that an Agreement, concluded, signed, and solemnly ratified, as the present one has been by your Government, should be subjected to a due investigation. And if, notwithstanding this, declarations are required, at the moment of its solemn conclusion, and before its Ratification by the other Party, which totally annul one of its most clear, precise, and conclusive Articles, without the sanction of a secret agreement authorizing the same, how should it appear strange that His Majesty, while yet unfettered by its Stipulations, might and should demand explanations, rendered necessary by so unlooked for a proceeding? In the transaction of settlements, or agreements, between Nation and Nation, the solemn act which consummates them, namely, the Ratification, would become wholly illusory, if the principles which it is now, in vain, attempted to establish, were to be admitted. I again repeat, that the very Authorities cited by you literally declare, as I have already remarked, that the Sovereign, for strong and solid reasons, or if his Minister had exceeded his Instructions, may refuse his Ratification, (*Vattel, Lib. 2, Chap. 12,*) and that Public Treaties are not obligatory until ratified. (*Martens, Lib. 2, Chap. 3. See Note.*)

No less erroneous, and even unprecedented, is the judgment, or consequence, you draw from the Instructions which you suppose to have been given to His Majesty's Minister for the conclusion of this Treaty. Truly, it would be the first time that a diplomatic Communication, professing to be thoroughly and minutely acquainted with these Instructions, should cite them as being perfectly well known. The respect due to the King's Negotiators will not for a moment, allow me to believe that they have failed in their obligations, by violating secrecy; nor will the high consideration I entertain for your Government permit me to think it capable of having employed the oblique and vicious means that such information must imply; it is, therefore, wholly impossible for me to admit your assertion on this point.

But, dismissing so unpleasant a discussion, and desiring to express to you anew the spirit of conciliation and friendship which prompts the King, my Master, to put an end to these differences, as I declared to you in the beginning of this Note; I am enabled to assure you, that it is a subject of great regret to His Majesty, that such weighty considerations should have hitherto obliged him to defer the Ratification of the Treaty concluded by his Minister to the Federal Government. These

considerations, already stated by Don Manuel Gonzales Salmon, on communicating to you His Majesty's determination, acquire additional force, when we find that intelligence has been received, through the medium of general information, Newspapers, and Correspondence, that an Expedition directed against the Province of Texas has been tolerated or protected, and other acts committed, within the limited, but unexpired, term assigned for the Ratification, which, as you will be duly informed, have justly called for the remonstrance of His Majesty's Chargé d'Affaires to your Government. Notwithstanding His Majesty has uniformly evinced a desire to maintain a perfect union and amity with the American Government, yet, to render these stable and permanent between 2 Nations who, under favour of a state of amity, are endeavouring to settle their differences, it is necessary that they should be based upon reciprocal utility and confidence. In the indulgence of these noble and generous sentiments, His Majesty confidently looks to the attainment of this desirable result. This was the object of the Treaty; an object unfortunately not attained, notwithstanding the enormous sacrifices which the King, my Master, condescended to make. In these feelings and dispositions, His Majesty still perseveres, by adopting a measure judged indispensable:—that of sending to the Government of The United States, as will promptly be done, a Person possessing his entire confidence, and who, by smoothing the obstacles, or removing the difficulties, which have hitherto opposed the accomplishment of his beneficent intentions, may fully convince the Federal Government of the frankness and loyalty, as well as of the honour and dignity, which it is His Majesty's desire to maintain in his relations of amity and union with that Government.

Whereupon, I renew to you my sincere respects, &c.

THE DUKE OF SAN FERNANDO AND QUIROGA.

Mr. Forsyth.

No. 45.—Mr. Rush to Mr. Adams.

(Extract.)

London, 13th September, 1819.

SINCE my second Despatch, written on the 4th of this month, I have had an opportunity of seeing Lord Castlereagh. I gladly took advantage of it to introduce, as an immediate topic, the important subject to which that Despatch related.

I remarked, that it appeared, after all, that our Treaty at Madrid was not ratified. "Why, so it seems," replied his Lordship. "Our inclinations, however, as I trust you must be satisfied, after what has passed between us, would have pointed to a different issue; and I can only add my wish that it had been different." He then said, that, "from Sir Henry Wellesley's Communications, he was led to infer, that the refusal to ratify had not been absolute, but that the Government of Spain merely desired further explanations." I replied, "that Mr.

Forsyth had, I was sure, tendered every necessary explanation; but it had not been listened to."

What the pretexts of Spain may have been for this fresh act of injustice and procrastination, I am not, in the slightest degree, informed. A Copy of the Provisions of the Treaty itself, I have never seen. But it occurs to me, at this juncture, to say, what may seem superfluous, but what the importance which the subject now assumes, at all points, prompts me to bring into view, namely, that I learned, through undoubted sources, that M. de Onis, when here, affirmed in the most unequivocal manner, that, in signing the Treaty, he stood strictly and fully justified by his Instructions.

The Hon. John Quincy Adams.

RICHARD RUSH.

No. 46.—Mr. Rush to Mr. Adams.

(Extract.)

London, 17th September, 1819.

His Lordship (Castlereagh) took this occasion to advert to the subject of the Floridas. It was, for the first time, without some previous invitation on my part, and I witnessed, with a proportionate satisfaction, his spontaneous approach to it. He did so, as I soon saw, in order to enforce, by corroborations, his former Communications to me. He took from his Table a packet of Sir Henry Wellesley's Despatches from Madrid. From 2 of these he read passages going to show that that Ambassador had made known to the Spanish Cabinet the wishes of the British Court that the Ratification of the Treaty should take place. One of the Despatches was dated on the 6th of June, the other on the 6th of July. They both imported a belief, founded on the state of things then existing, that the Treaty would be ratified. His Lordship also read to me a passage from one of his own Despatches to Sir Henry, in which an unequivocal opinion was expressed, that the true interests of Spain would be best promoted by a Ratification. I think that this Despatch was dated on the 21st of July.

He asked me if I had heard, during the summer, of an intended visit of a M. Toledo to London. I replied that I had. He said that he had too, but that he had never arrived. The Spanish Government knew too well the opinions of this, to imagine that the propositions with which Toledo was said to have been charged, could ever be countenanced. These, he continued, were, to ask a loan of money to pay the Claims recognized by the Treaty, and also to enquire if Great Britain would consent to make common cause with Spain, in the event of a rupture between the latter and The United States. His Lordship then distinctly stated, that the willingness of the British Court to accede to our coming to the possession of the Floridas, might be inferred from the indirect offer which it had made, 2 years ago, to mediate

between The United States and Spain, which we had declined. This offer, he observed, was made on the natural supposition that the Cession of these Provinces to us would have formed the basis of the Negotiation ; and to such a basis Britain was prepared at that time to assent.

The Hon. John Quincy Adams. RICHARD RUSH.

*II. Message of the President of The United States to Congress.
Washington, 8th March, 1820.*

TO THE SPEAKER OF THE HOUSE OF REPRESENTATIVES,

I TRANSMIT to the House of Representatives, in pursuance of their Resolution of the 22nd of last month, a Report from the Secretary of State, with the Papers containing the information requested by that Resolution.

Washington, 8th March, 1820.

JAMES MONROE.

To the President of The United States.

THE Secretary of State, to whom has been referred the Resolution of the House of Representatives of the 22nd ultimo ; requesting the President to impart to the House any Communications touching the Florida Treaty, which have not heretofore been communicated, and the communication of which, in his opinion, may not be prejudicial to the interests of The United States, has the honour of submitting to the President, the Papers containing the information in possession of this Department requested by the Resolution.

JOHN QUINCY ADAMS.

Department of State, Washington, 7th March, 1820.

No. 1.—Mr. Forsyth to Mr. Adams.

(Extract.)

Madrid, 22nd August, 1819.

To the information contained in my Official Letter of this day's date, I have little to add of much importance. The most interesting fact I am able to communicate is, that the affair of the Grants is not the sole or the principal difficulty, with this Government. After receiving M. Salmon's Note of the 10th instant, and ascertaining from Duke Laval that this Government expected me to insist on the King's agreeing to receive M. de Onis's declaration, or to make one of his own, I gave information to the Duke, with the expectation and belief that he would communicate to the Government and to the Parties interested that this was a mistake :—I had no Instructions to insist upon either. We expected the King might offer it ; but if he did not, the Treaty was already ratified by The United States, and the act could not be recalled.

To produce a good effect, I said, also, that the mistake about the Grants must be corrected, if the business should be (what was altogether improbable) settled amicably in The United States. The only hope of the Grantees was to have the exchange of Ratifications made here. Relying upon the correctness of the information received here, of the date of Puno Rostro's and Alagon's Grants, and the opinion that the Cedula was the first valid Act of the concession, and, of course, the date of the Grant must be the date of the Cedula, I intimated to M. Salmon that the difficulty in regard to the donations could be obviated here. His reply was, that there were other points upon which the King wished explanations.

The Hon. John Quincy Adams.

JOHN FORSYTH.

No. 2.—Mr. Forsyth to Mr. Adams.

(Extract.)

Madrid, 10th October, 1819.

CAPTAIN READ reached Cadiz on the 7th instant. The condition of that dreadfully afflicted place, and the neighbouring Towns, obliged him, after remaining some hours in the Bay, to go to Gibraltar. From Gibraltar he made his way, with some difficulty, to Santa Cruz, 100 miles from Madrid. From Santa Cruz, I received information that he was stopped there. I applied immediately to the Secretary of State for permission for him to pursue his journey. I directed Mr. Brent, who went to see the Duke of San Fernando, to say, that if the permission to Captain Read could not be given, I must request a Passport for myself to ride that far to confer with him. While in a very uneasy state of suspense, Captain Read arrived, and delivered me your Letter of the 18th August, with duplicate of your No. 6, with the Documents. Two or 3 hours after he reached Madrid, I was informed, by the Secretary of State, that we must perform, at Santa Cruz, a quarantine of 8 or 10 days. The Correspondence between us will show in what manner the Captain was enabled to continue his journey: Copies are enclosed, marked 1, 2, 3. On the night of the 3rd, I had, preparatory to the offer to exchange the Ratifications according to my Instructions, a long conversation with the Duke of San Fernando. I did not discover, in this interview, any reasonable prospect of the immediate acceptance of the Treaty. The Duke professed to be anxious to preserve a good understanding with The United States—that the King wished explanations, &c. On my asking him, what would be the conduct of Spain? Would the Treaty be ratified if these explanations were not satisfactory? He replied, that was a point upon which his Royal Master had not expressed his pleasure. In the course of the conversation, he expressed the hope that my Note would be couched in respectful terms, that if it was not, I must not be surprised if it was returned to me. I told him, that the Note was prepared by, and according to, the Instructions of my Go-

vernment, and if returned to me, I should not consider the offence as personal, but as offered to The United States. To avoid the very disagreeable consequences which must ensue, I suggested, that if he found any thing harsh in the Note, I would change it, *if it could be done without altering its meaning or impairing its strength.* But that *no term could be touched* which was *essential* to convey, *substantially*, what the Note contained. After a very long interview, not at all satisfactory, except as it proved the good dispositions and politeness of the Secretary of State, I delivered my Official Note of the 2nd instant, with the proposal in Spanish, that the Minister might be immediately master of what was asked and expected of the King. The Answer of the Minister was delivered this afternoon. The Spanish Government will persist in the plan of sending a Minister to ask explanations at Washington. The Note of the Duke of San Fernando confirms the information already given of the points on which these explanations will be asked. I cannot venture to conjecture what will be the conduct of this Government, should it not receive what it wishes to procure from us. In the mean time, although it is said that General Vives is named to go to Washington, it is not certain. To-morrow I shall ask for Copies of the Grants to Alagon, Punon Rostro, and Vargas, preparatory to the remonstrance I am directed to make, and to my Reply to the Note of the Duke. I hope to send you Copies of the Grants, and of my Reply; but shall not detain Captain Read if they are not ready before he is prepared for his journey. He will leave this on Tuesday morning for Malaga, to which place the *Hornet* must go from Gibraltar, to take him on board: all travelling from Spain being interdicted by the Governor of that Fortress.

The Hon. John Quincy Adams.

JOHN FORSYTH.

(Enclosure 1.)—*Mr. Forsyth to the Duke of San Fernando and Quiroga.*
SIR, *Madrid, 30th September, 1819.*

CAPTAIN READ, commanding the Sloop of War *Hornet*, of the Navy of The United States, bearing Despatches to me from the American Government, has been stopped on his way from Gibraltar to this Place. I have the honour to apply to your Excellency for an order to the proper Authority to permit him to pursue his journey. Captain Read arrived at Gibraltar on the 20th inst., his Crew in good health, from the Port of New York. Although the Quarantine Regulations at Gibraltar are, at this time, particularly severe, his Vessel was immediately admitted to pratique. At St. Roque, the Captain received assurances from the Director of Posts that he would meet no difficulty in proceeding to this City. The *Hornet* was anchored for a few hours in the Bay of Cadiz. The enclosed Correspondence between the American Consul and the Junta de Sanidad, will shew that he had no communication

with any Vessel in the Harbour, during her short stay in the Bay. Under these circumstances I trust the Order, for which this application is made, will be immediately given.

I seize every occasion to renew, &c.

H. E. The Duke of San Fernando and Quiroga. JOHN FORSYTH.

(*Enclosure 2.*)—*The Duke of San Fernando and Quiroga to Mr. Forsyth.*
(Translation.)

SIR,

Palace, Madrid, 30th September, 1819.

HAVING received information from the Supreme Board of Health, in consequence of your Note of this day's date, relating to the detention of Captain Read, at Santa Cruz, conformably with the opinion given by the aforesaid Board, and founded upon the Laws enacted for the preservation of health, it is my duty to inform you, that the said Captain and his Crew are respectively subjected to a quarantine of 8 or 10 days, with the requisite purification of all effects susceptible of contagion; and that, if it be your determination to go and confer with him, you may proceed to do so, on subjecting yourself to the same conditions.

I hope, therefore, that you will inform me of your intentions on this point, that I may transmit the necessary orders by to-morrow's mail.

I reiterate the assurances, &c.

THE DUKE OF SAN FERNANDO AND QUIROGA.

Mr. Forsyth.

(*Enclosure 3.*)—*Mr. Forsyth to the Duke of San Fernando and Quiroga.*
SIR,

Madrid, October —, 1819.

CAPTAIN READ, of the Navy of The United States, with Despatches from my Government, whose detention at Santa Cruz caused me to address your Excellency on the 30th September, arrived in Madrid a few hours before I had the honour to receive a Reply. A short time after he was stopped at Santa Cruz, he learned that the Order of the Junta of Sanidad was directed only to the Director of the Posts, and prohibited only travelling with post horses from Andalusia. As he came from Gibraltar with regular Passports, there was nothing to prevent him from pursuing his journey in the private or hired conveyance in which he prosecuted it to this Place. In performing his own duty, he had neither inclination nor intention to violate any of the Ordinances of any of the Authorities of the Kingdom, nor, as far as he was informed, did he infringe upon the established regulations. I should not have thought it necessary to mention his arrival, except incidentally, had not the Answer of your Excellency to my Official Note, in his behalf, been written under the expectation that he would be detained in quarantine 8 or 10 days, and had it not given also the very extraordinary intima-

tion that I should be subjected to similar restriction, if I went to confer with him at the Place to which he was restricted.

I renew to your Excellency the assurances, &c.

H. E. The Duke of San Fernando and Quiroga. JOHN FORSYTH.

(*Enclosure 4.*)—*Proposal (in Spanish) transmitted by Mr. Forsyth to the Duke of San Fernando and Quiroga.*—(Translation.)

ALTHOUGH the 6 months stipulated for the exchange of the Ratifications of the Treaty, concluded between the Government of The United States and Spain, at Washington, on the 22nd of February last, have expired, I am authorised by the President to make known to His Catholic Majesty that the Ratification by Spain will be received as valid, on the precise and express condition that the Grants of land in the Floridas made to the Duke of Alagon, the Count of Punon Rostro, and M. Vargas, and, in like manner, any others which shall have been made under similar circumstances, shall, in conformity with the VIIIth Article of the said Convention or Treaty, be null and void, and shall never be admitted by The United States. The force and effect of the said Article shall be shewn by a Declaration, to be presented on the exchange of the Ratifications by the American Minister, unless His Catholic Majesty should prefer the Declaration to be made by the Spanish Government. I am authorised to make the exchange, immediately, when this is done. It is essentially necessary that the exchange be made in season, so as to enable me to transmit the ratified Treaty to The United States by Captain Read, of the National Sloop of War, *Hornet*, who will remain 10 days at Madrid, for the purpose of being the bearer to the President of the final decision of His Catholic Majesty on this important concern.

No. 3.—Mr. Forsyth to Mr. Adams.

(Extract.)

Madrid, 10th October, 1819.

THE arrival of the *Hornet* produced a great deal of anxiety here. As soon as it was known that Captain Read was in Madrid, the Duke Laval paid me a visit, to learn for what he was sent back. Anxious to apprise the Government as early as possible what we required of it, I told him what I should immediately propose, and gave him permission to communicate it to the Secretary of State if he thought proper. Before my Official Letter was copied, Duke Laval paid me another visit; he had seen the Secretary of State, and had promised to engage me to have a conversation with the Secretary before my Note was sent in: seeing no objection to this, I kept back my Note, to be delivered at our interview, which took place the ensuing night. I was led to believe that the Government might be induced to agree to the proposal I was directed to make, but was apprehensive that the manner of presenting it would form an insurmountable obstacle.

With this view, I prepared the Spanish Note sent with my Despatch of to-day, intending to say to the Duke of San Fernando, if the proposal was accepted, that that might be considered the Official Note, and the other would be received again from his hands. Finding no just grounds in his conversation to believe the proposal would be acceded to, I determined to present it, as I did, as an unofficial Paper, for the convenience of the Minister of State. The subsequent observation that my Note would be returned, if not respectfully written, satisfied me that this determination was more than judicious. This suggestion was made with as much delicacy as it could be made, and seemed to arise from the apprehension, that their dignity would compel them to a step, it was very obvious they would have taken with great reluctance. Indeed, when the Duke informed me, that the courtesy of Nations did not permit one Power to prescribe to another the time within which a thing required must be granted or refused, I began to imagine that, according to their ideas of respectful treatment, the return of the Note was certain. Had it been returned, I should have had the honour of making this Communication to you in person. The present Secretary of State is sincerely disposed to preserve good terms with us. The influence of the Grantees is still predominant, and will, I apprehend, continue until something stronger than words is used to bring our disputes to an end. M. de Onis has been in Madrid, since the last of August, as a private man. It is understood that the King does not impute blame to him. Yet he has never been consulted in any of the several Councils that have been called on this subject. The present Minister has had some informal conversation with him. But he has given neither explanation nor advice to the Government, because he has not been asked for either.

It will surprise you to be informed, that there are Persons about this Court who want a War with The United States. There are very many Individuals who have Licenses to fit out Privateers; these are looking with eagerness to the chance of enriching themselves at our expense.

As to the effect upon their Country, that is another affair, about which they are indifferent. The maxim is almost universal here:—if I am enriched, it is of no consequence how much the Country is distressed.

The Hon. John Quincy Adams.

JOHN FORSYTH.

No. 4.—*Mr. Forsyth to Mr. Adams.*

(Extract.)

Madrid, 28th October, 1819.

By the return of the *Hornet*, which sailed from Malaga, on the 20th, you have been informed, that I applied, on the 10th instant, to the Spanish Government, for Copies of the large Grants to Alagon, Punon Rostro, and Vargas. Receiving no Answer to this Application before Captain Read left Madrid, I addressed a second Note on the 15th. On the 16th, I received from the Duke of San Fernando the refusal to

furnish them. The whole Correspondence on this subject is enclosed, marked 1, 2, 3, and 4. This refusal was as unexpected to me, as it no doubt, will be to you. The best information I could procure of those Donations was immediately obtained.

You will perceive that, in the Remonstrance made, (according to your Instructions, received by the *Hornet*,) a Copy of which is enclosed, marked 5, I have not made any distinction between the 3 Grants, but examined the questions between the 2 Governments, as if they stood on the same footing. If my idea is correct, that the Royal Order conveys no title, they are alike,—the Cédulas of the 3 being subsequent to the 24th January, 1818; and, as it regards the conduct of The United States, the stipulation was perfect for the exclusion of all. In addition to this, as the Spanish Government has not explained itself fully, I was not bound to know that they made any distinction between them. It may, for aught that appears, insist that Vargas's Grant is valid, either from the date being different from what I suppose it to be, or on some other ground. As the conduct of Spain, *the difference* of the dates of the Grants, and the *accidental difference* of a day between the date fixed by the Treaty and that of the Donation of Vargas, cannot affect the conclusion drawn; while the peculiar nature of the last Donation was important to show the character of the whole transaction. By the Extract of your Letter to M. de Onis, of the 31st October, 1818, it appears, that some remonstrances were made by Mr. Erving to M. Pizarro, about the time these Donations were made. No trace of these remonstrances is to be found in this Legation, except a Letter, marked *private*, from M. Pizarro, of the 19th July, 1818, in which he requests Mr. Erving not to give himself any uneasiness on the subject of these Donations.

I have already informed you, that there is no Copy here of Mr. Erving's Correspondence with the Department of State. Not knowing the extent of his Communications on that subject, I am not aware that any benefit could have been derived from them, as I am told here, that the proceedings in those Donations were suspended for some time; that Alagon, Punon Rostro, and Vargas, were required to give up, and did surrender, their Grants to the Crown; and that Punon Rostro was preparing, if he did not actually make, a Memorial to the King, for certain commercial privileges, as a remuneration for his loss. This information, although it came from such a quarter that I could place perfect reliance on its correctness, did not come to me in such a shape that I could use it in addressing the Spanish Government. The Court has been so fully occupied with the marriage of the King and the distribution of the *Gracias* usually bestowed on these occasions, that our affair seems to be forgotten. General Vives, who is still said to be destined for The United States, as Minister Plenipotentiary, has not yet arrived in Madrid. He had a command within the limits of the Country, between which and the Capital, intercourse was prohibited, on account

of the yellow fever; and, it is said, that he is performing quarantine, preparatory to his coming to this Place. I use the impersonal, for no part of the information respecting Vives, his appointment, or movements, comes to me directly or indirectly from this Government.

A report has been industriously circulated here, that some arrangement had been made by Spain and Great Britain, in consequence of the probability of a War between Spain and The United States. So much was said about it, that, without giving any credit to it, I deemed it prudent to enquire into its truth. My first application was made to Sir Henry Wellesley, to whom I spoke of it jestingly, as a proof of the extravagance and folly of the suppositions and surmises of the *Puerta del Sol*; (the Place where the news of the day is discussed by Spanish Politicians.) He spoke of it in the same strain; but our conversation concluded by a most solemn assurance given, on his honor, that there was not the slightest foundation for such a report; that the only arrangement lately made with Spain related to the terms of an old contract for permission, to the British Government, to purchase Specie in Spanish America.

The Hon. John Quincy Adams.

JOHN FORSYTH.

(*Enclosure 1.*)—*Mr. Forsyth to the Duke of San Fernando and Quiroga.*
Madrid, 10th October, 1819.

JOHN FORSYTH, Minister Plenipotentiary of The United States, presents his respects to the Duke of San Fernando and Quiroga, Secretary of State and Despatch, and requests that authenticated Copies of the Grants to the Duke of Alagon, Count Punon Rostro, and M. Vargas, should be sent to him as early as the convenience of the Department of State will permit.

John Forsyth, American Minister, offers, &c.

H. E. The Duke of San Fernando and Quiroga.

(*Enclosure 2.*)—*Mr. Forsyth to the Duke of San Fernando and Quiroga.*
Madrid, 15th October, 1819.

THE Minister Plenipotentiary of The United States presents his compliments to the Duke of San Fernando and Quiroga, and had the honor to request of his Excellency, on the 10th instant, Copies of the Grants made to the Duke of Alagon, to the Count of Punon Rostro, and to M. Vargas, which it is very important for him to have.

The Minister trusts that these Copies will be furnished as expeditiously as possible, and renews the assurance, &c.

H. E. The Duke of San Fernando and Quiroga.

(*Enclosure 3.*)—*The Duke of San Fernando and Quiroga to Mr. Forsyth.*
 (Translation.) *Palace, Madrid, 15th October, 1819.*

THE Duke of San Fernando and Quiroga presents his compliments to Mr. John Forsyth, Minister Plenipotentiary of The United States of

America, and has the honour to inform him, that, having made known to the King, his Lord, the wish of Mr. Forsyth to obtain authentic Copies of the Grants of Land made to the Duke of Alagon, the Count of Punon Rostro, and M. Vargas, His Majesty has declared that it is not possible for him to comply with this wish, without being wanting in what is due to his dignity, as he conceives that his word alone, in the matter of the Grants, is, in addition to their publicity, the most authentic Certificate that can or ought to be given.

The Duke renews, &c.

Mr. Forsyth.

(*Enclosure 4.*)—*Mr. Forsyth to the Duke of San Fernando and Quiroga.*
Madrid, 16th October, 1819.

JOHN FORSYTH, the Minister Plenipotentiary of the United States of North America, presents his respects to the Duke of San Fernando and Quiroga, and acknowledges the receipt of his Note of the 15th of October.

The American Minister considers the refusal to furnish the Copies of the Grants of the Duke of Alagon, Count Punon Rostro, and M. Vargas, for which he applied, as singular as the reason that is assigned for it. These Donations having unfortunately produced new differences between The United States and Spain, he believed that he had a right to expect Copies of them, whenever an application was made to procure them. He is not aware that the Royal word has been given in this business, and would now request to be informed where it is to be found, if he was confident it could be done without offending the Royal dignity,—a dignity so refined and ethereal as to be above the comprehension of an American Minister. His Excellency the Secretary of State and Despatch has said, individually, and by permission of the King, that the Declaration intended to be presented by the American Minister, if the exchange of the Ratifications of the Convention of the 22nd February took place, contradicted the VIIth Article of that Instrument. From this assertion an inference was to be drawn, that the above mentioned Grants, or some of them, were of a date prior to the 24th January, 1818, the day named in that Article of the Treaty. Without failing in the respect due to the Secretary of State, and which the American Minister desires at all times to exhibit, it was important for him to ascertain whether *all* or *a part* of these Grants were considered valid by Spain. Whether made *prior to*, *at the time of*, or *subsequent to*, the authority given to M. de Onis, to offer a Cession of Florida to The United States. Whether *the whole*, or only a part, and if *a part*, what part of the lands in that Territory was included in them,—information necessary to the formation of a correct judgment of the character of this transaction. His Excellency the Duke of San Fernando and Quiroga must be sensible that Copies of these Grants can be obtained only from the Persons

owning them, or from the Archives of the Indies, and that the Minister of The United States, having no right to believe that the Owners would submit the original Papers to his inspection, or suffer Copies to be taken of them, had no resource but an application to the Government.

Not having produced the desired information from the most authentic source, he will be under the necessity of seeking it wherever it can be found, and if, in presenting this subject hereafter to His Majesty's Government, any error should be communicated, the Duke of San Fernando and Quiroga will not forget the application made for correct information, and the refusal to give it.

John Forsyth, the American Minister, reiterates, &c.

H. E. the Duke of San Fernando and Quiroga.

(Enclosure 5.)—Mr. Forsyth to the Duke of San Fernando and Quiroga.
SIR, *Madrid, 18th October, 1819.*

I HAVE had the honour to receive your Excellency's Answer, of the 8th instant, to my Official Note of the 2nd.

It is not with a vain hope of producing any effect upon the opinions of this Government, that I refer again to this subject: a determination being deliberately made, and comporting, as your Excellency says, with the honour of the King, it will no doubt be adhered to. Time and experience are the correctors of the errors of States and Kingdoms; and the hour comes when the wisdom or imprudence of this determination will be sufficiently apparent.

Having communicated to my Government the Correspondence between us, the business is at rest; but I avail myself of the opportunity offered, by the performance of another duty, to make some observations called for by your Excellency's Note. That His Majesty should recur to the example of his Predecessor in considering the subject of the Convention, is perfectly natural; since, to the friendship existing between The United States and his Ancestor, His Majesty is indebted for the possession of that Territory of Florida proposed to be ceded by it; but the King is deceived and misled when he believes that The United States, or any other Power, can see, in the recent or previous conduct of his Government, the spirit of conciliation and good will. The stubborn integrity of reason rejects all the professions that are contradicted by the actions of Princes and States. Knowing his own intentions, your Excellency's Royal Master may consider the opinions already formed as harsh and injurious; but it is the unfortunate peculiarity of this Negotiation, that every thing done and left undone by Spain serves to justify them. I will not recapitulate what has been previously urged, but content myself with reminding your Excellency that 2 months have elapsed since I was informed by M. Salmon that explanations would be asked at Washington. I am still to learn to whom this duty is to be

intrusted. Judging from this delay, I might, did I consider it important, ask your Excellency, will the Person in whom the King confides, see The United States in the beginning or towards the end of the ensuing year?

Your Excellency has misconceived the purport of what has been urged, in regard to the obligation imposed, by the signature of his Minister to the Treaty, on the King. You suppose it to be directed to the obligation to execute the Treaty. It was directed to the obligation to ratify it. Nothing is more clear than the obligation imposed in this case by justice and honour. What is extraordinary in your Excellency's Answer, is the supposition that The United States are bound by the Treaty, while Spain is at liberty, and according to circumstances, to bind herself or not. The United States were bound until the 22nd of August last; beyond that period, the question of the Treaty is as open to my Government as to that of your Excellency's Royal Master. The offer made to accept the Ratification of Spain as valid, since that period, was altogether gratuitous, and sprung from motives, it would appear, not duly appreciated or understood. It is true, the Government of The United States has an alternative to choose. The Treaty may be considered as binding on both the Parties to it, and an attempt made to compel a performance, or a resort may be had to the original Claims, and an exertion made to enforce them.

Your Excellency supposes it impossible that the assertion, that M. de Onis did not exceed his secret Instructions, can be made good. If the production of a Copy of those Instructions were necessary to shew the correctness of such an assertion, certainly it could not be shewn; but there is a species of moral demonstration of the terms of secret Instructions, which is sufficiently strong to satisfy the judgments of men, without the necessity of calling in question the integrity of Negotiators, or the purity of Governments. Abundant materials for the demonstration of this assertion exist, and will be used whenever it shall be necessary. To the number of these your Excellency has furnished an additional one, of conclusive force, by resting your observation, *not* upon *the fact*, that the secret Instructions *were violated*, but upon the *impossibility of producing proof that they were not*.

Your Excellency errs in supposing me acquainted with the reclamations made by His Majesty's Chargé d'Affaires in America, or with the incursions into the Territory of Texas; incursions, neither protected nor tolerated by my Government, and if they have been made, were secretly prepared and executed, before it was practicable for it to interfere. As they could have no possible connection with the question of Ratification, they have not been communicated to me by the Government of The United States. Neither of these, however, can justify the delay that has taken place, since the power of His Majesty to require, and the inclination and ability of The United States to make, reparation

for any injuries done to Spain, would not have been affected by the Ratification of the Treaty. It may not, however, be useless to suggest to His Majesty's Government that the failure to ratify by Spain, has deprived her of the right to expect reparation for any incursion into Texas, as a large portion of what is called the Province of Texas, is within the limit claimed by The United States; a claim yet existing, since the Convention of the 22nd February is not ratified by Spain, whose best title to the said Territory was contained in that Instrument.

Your Excellency is not happy in supposing there is any justification for the delay to ratify, and the determination to ask explanations, in the example of my Government, in relation to the VIIIth Article of the Treaty. The United States have not asked, nor do they ask, any explanation of the Article in question. They understand it to impose a certain obligation entered into according to the intention of the Parties. They were informed that their intention was not fairly or fully expressed, and, as justice and good faith required, they gave notice to the Spanish Government of their resolution to execute the Article according to its spirit and intention. The address to M. de Onis was to procure, in the simplest form, the evidence to shew what that intention was. Your Excellency will pardon me for saying that I am shocked at the assertion now made, that the Declaration, intended to be presented at the exchange of Ratifications, annuls the said Article, as it obliges me to conclude that the Grants to the Duke of Alagon, the Count of Punon Rostro, and M. Vargas, are, in the opinion of this Government, of a date prior to the 24th January, 1818, the date named in that Article of the Treaty, and that the Government of Spain believes itself authorized to insist that they would be valid under it. This disclosure compels me, from the duty I owe to my Country, and in obedience to the Instructions I have received, earnestly to remonstrate against the conduct of Spain in relation to these Grants; a conduct towards The United States injurious, unjust, and deceptive, and which cannot fail, when made known, to excite the resentment of all Nations, who prize honorable dealing and love good faith.

The history of these Donations, and of the stipulation in regard to them, will shew, that the determination of The United States to consider them void under the Treaty, was justifiable, proper, and necessary to the honest fulfilment of the Engagement into which they had entered; and that a denial of this position would fix upon the Spanish Government a charge of an attempt to commit a deception, for which the language of decorum has no appropriate name. The possession of Florida has long been the object of interest to The United States, a land useless and expensive to His Catholic Majesty, and chiefly valuable by its position to them. Ever since the restoration of His Majesty to the Throne of Spain, the question of the Cession of that Territory has been agitated. In the summer or autumn of 1817, after the

determination to negotiate all matters in dispute at Washington, it is to be presumed authority was given to M. de Onis to offer the Floridas for an equivalent to The United States. In July, 1817, M. Pizarro informed Mr. Erving that the Instructions for M. de Onis were preparing. Comparing the date of the offer of Cession made by that Minister, of the 24th January, 1818, with the time necessary for transmitting the Instructions under which it was made, the conclusion is, that, prior to November, 1817, the authority was given to M. de Onis to offer *Florida* to The United States, according to the Instructions preparing by M. Pizarro, at the date of his Communication to Mr. Erving, of the 27th July, 1817. In November following, the prospect of a Cession to The United States having made property in that Territory valuable, petitions were presented to His Majesty for Grants of land in Florida by the Duke of Alagon and Count Punon Rostro; in December, 1817, the King decided, by Royal Orders, that these Petitions should be allowed; in February, 1818, the Royal Letters Patent were issued to the Petitioners in the Council of Indies.

The Donation to Duke Alagon included all the uncultivated land in East Florida, not previously ceded, between the margins of the Rivers St. John and St. Lucia, to their entrances into the Sea, and the Coast of the Gulf of Florida and the adjacent Islands, the mouth of the River Hijuelos, from the 26th degree of latitude, following its left bank to its source; thence, by a line drawn, to the Lake of Macayo; thence, by the way of the River St. John, to the Lake Valdes; thence, by a line, cutting the extreme North of that Lake, as far as the source of that River, and by the Coast of the Sea; with all adjacent Islands, to the mouth of the River Hijuelos.

To the Count of Punon Rostro was granted all the uncultivated lands not before ceded in East Florida, which are situated between the Rio Perdido, to the west of the Gulf of Mexico, and the Rivers Amasuca and St. John, from Popa to its mouth, and the southern Boundary line of The United States and the Gulf of Mexico, with all the uninhabited Islands near the Coast.

About the close of 1817, or beginning of 1818, M. Vargas petitioned for lands in Florida. On the 25th January, 1818, a Royal Order allowed his Petition, and the Cedula is of the date of the 9th April, 1818.

The Donation to M. Vargas was—1st. All uncultivated and not before ceded lands, between the Bay of Mobile, the Rio Perdido, the Boundary line of The United States, and the Gulf of Mexico.

2nd. All the lands lying south of Alagon's Grant, from the mouth of Hijuelos, on the Gulf of Mexico and the mouth of St. Lucia, on the Gulf of Florida, to Taucha Point or Cape Florida, with all the Islands, &c.

3rd. All lands in West Florida to which Spain was entitled, and all lands in dispute with The United States.

While these extraordinary and enormous Donations were making in

Spain, Florida had been offered to The United States, and the terms of Cession were in the course of adjustment. After great labour and delay the Negotiation terminated by the Convention of 1819. To provide an indemnity for the Claims of American Citizens upon Spain, some of which were acknowledged in 1804 to be just, although the Treaty, providing for their adjustment and payment, made in that year, had been but just ratified by Spain, was one of the causes of the Cession of Florida, in full property, to The United States, who engaged to pay their own Citizens out of the vacant lands in that Territory, but it was previously necessary to ascertain that the fund provided was sufficient for that purpose. M. de Onis insisted, in his Note of the 24th October, 1818, that all Grants made prior to that date should be held valid. The Answer of the Secretary of State, of the 31st October, is, that The United States cannot renounce their Claims upon Spain, and those of their Citizens, and at the same time recognize all Grants as valid; he says to M. de Onis, "notice had been given by the Minister of The United States in Spain, to your Government, that all the Grants of land, lately alleged to have been made by your Government, within those Territories, must be cancelled, unless your Government should provide some other adequate Fund, from which the Claims above referred to, of The United States and their Citizens, may be satisfied."

On the 16th of November, M. de Onis proposes that *the late Grants*, made since the date of this Note offering a Cession, should be declared null and void, in consideration of the Grantees not having complied with the essential conditions of the Cession, as had been the fact. The late Grants, as was explicitly understood by both the Negotiators, and can only be so understood,—referred to the large Grants of land to Alagon, Punon Rostro, and Vargas, respecting which notice had been given by Mr. Erving to M. Pizarro. To remove all possible doubt, M. de Onis states to have been the inducement to the Grants, the same causes which are stated in the Royal Orders respecting them, a desire to promote population, cultivation, and industry,—causes assigned for no other modern Donations. It being perfectly understood by the Parties, that these Grants were to be annulled by the Convention, all that remained was to reduce the intention of the Parties to a formal Article. M. de Onis, who had expressly agreed to exclude them, whatever might be their dates, in the first Project of the Treaty delivered on the 9th February, had drawn the Article in such terms, as to confirm all Grants made before January 24th, 1818. The Article was not accepted in that form. In the Counter-project of the Secretary of State, Mr. Adams, on the 13th February, the Grants prior to the 24th January, 1818, *the conditions of which should have been performed by the Grantees*, and none others, were declared to be confirmed. M. de Onis was, at this time, confined to his house by indisposition, and, by his request, the communications between the Negotiators were made through

the friendly interposition of M. Hyde de Neuville; M. de Onis insisted upon the Article as drawn up by him, not for the purpose of covering these Grants, but *merely to save the honor of the King*. As it was obvious that the honor of the King would not be affected by declaring the Grants prior to January, 1818, binding *to the same extent*, as they would have been on Spain, if a Cession had not taken place, M. de Onis yielded to a modification proposed by the Secretary of State, to that effect, but at the same time observed, that these were Grants of old dates, made *bonâ fide* to Persons in actual possession of the lands, and who had improvements and settlements on them; but who, by the Revolutions in Europe, and the convulsed state of Spain, had been prevented from completing *all the conditions of their Grants*,—that it would be equitable to allow them time from the date of the Treaty to fulfil them. This was readily assented to, and the Article, as presented by M. de Onis, was thus modified:—1. To exclude, absolutely, all Grants made subsequent to the 24th January, 1818. 2. To confirm all Grants prior to that period, to the same extent that they would have been valid, had the Territory ceded remained under the dominion of His Majesty. 3. To allow all whose Titles were imperfect, and who had been prevented, by the recent circumstances of the Spanish Empire, and the Revolutions in Europe, from fulfilling the conditions of their Grants, a limited time to complete them. When, after the signature of the Treaty, a rumour prevailed that the Grants to Alagon, Punon Rostro, and Vargas, were valid under the Treaty, being dated but a short time before the 24th of January, 1818, and that this date was assumed with the intention that they should be confirmed;—without admitting the suspicion of any unfair dealing in the conduct of the Negotiator of Spain, that no pretence should, by any possibility, be raised after the Ratification of the Treaty, that these Grants were confirmed, or that either Party to the Compact had understood that they would be confirmed, I was instructed to deliver, on the exchange of Ratifications, the declaration of the construction it was the avowed intention of both Parties, at the signature, that the VIIIth Article should bear, in relation to the Grants in question, and the only one The United States would ever admit. In a Correspondence of March 1819, between Mr. Adams and M. de Onis, the Spanish Minister unequivocally admits that such had been his understanding of the Article when he signed it, a fact fully confirmed by the declaration of M. Hyde de Neuville.

Such, Sir, is the history of these Grants, and the Negotiation in relation to them. It would not be difficult to prove that the declaration of the American Government, a Copy of which I had the honour to transmit to your Excellency, as it is in strict conformity with the intention of the Parties, is also in unison with the very letter of the Compact. Without entering into a minute discussion of the differences in the force and obligation of the Royal Order, made prior, and the

Cedula Order made subsequent, to the 24th January, 1818, I may venture to assert that no Title was vested in the several Grantees until the Royal Cedula given in the Council of Indies. Even if I should err in this position, of the solidity of which I have the most perfect conviction, these Grants would not be valid under the Treaty, as the conditions of them have not been complied with; nor could the Grantees claim the benefit of the Stipulation to give time to the old Claimants to perfect their Titles, since they could not pretend that they were prevented from fulfilling the essential conditions of their Donations, by the recent circumstances of the Spanish Monarchy, or, by the late Revolutions in Europe. The declaration presented by me to your Excellency, might have been safely withheld, had not the Government of The United States determined not to be embarrassed by any pretended Claims, under these Grants, either on the part of Spain, her Subjects, or the Persons holding under them. The course pursued has been justifiable as it relates to Spain, proper as regards the character of the American Government, and necessary to the honest discharge of the obligations of the Convention, by which it bound itself to pay to its own Citizens, out of the Fund of the Florida Lands, their Claims upon Spain, to the amount of 5,000,000 dollars.

Having thus vindicated the character of The United States, by shewing that they have made no attempt to alter, in any degree, the obligations of the Convention, it remains for me to establish the position laid down in regard to Spain. With infinite reluctance I approach the execution of this painful but not difficult task. The convictions of its truth arise so forcibly out of the circumstances of this transaction, as already detailed, that a bare reference to particular portions of them will be sufficient for my purpose. I must call your Excellency's attention to the period at which these Donations were made; to the departure from the ordinary regulations of the Spanish Government, in the quantity of land given away to the Grantees; to the reasons assigned for making the donations; to the conduct of the Spanish Minister in The United States, in arranging the VIIIth Article of the Convention, and to the malignant influence these Donations seem to have had in preventing the ratification of that Convention. The idea of making these Grants was not entertained, until Spain had determined to cede the Floridas to The United States. Authority was given to offer a cession of that Country; between the Grants and the execution of that authority, the resolution is formed, and partially carried into effect, to render the thing to be ceded, as far as it was in the power of Spain to render it so, worthless. It may be suggested that the Sovereignty of the Territory was all that the Spanish Government proposed to cede; and that this was of itself, sufficiently important to The United States, to render unnecessary any attention to the property in the soil. The force of such a suggestion is destroyed by the fact, that Spain proposed to provide for the payment of the Claims of The

United States, and of their Citizens, upon her, out of the *vacant lands* of the Territory to be ceded. What was the meaning of this proposal, and the Stipulation made in consequence of it, when, by secret and irregular Donations of all the vacant lands, His Catholic Majesty had rendered its fulfilment impossible; and this, too, when the Spanish Minister was in the very act of discussing it? Was it made in mockery, to add insult to the injuries of which the American Government had so long complained, and satisfaction for which they had generously forborne to take? By reference to the Archives of the Indies, your Excellency will find that the Donations to the Duke of Alagon, Count Punon Rostro, and M. Vargas, include all the vacant land, not only in that part of the Floridas possessed by Spain, but also of that possessed by The United States, under the Cession of Louisiana, from France. I make this reference from a belief that the description of the different Grants herein contained is nearly, if not entirely, correct.

The Colonial Regulations of Spain, made for Louisiana and Florida, expressly forbid the alienation of more than a named, or small portion of land, to the same Person. This, it is true, is a restriction upon the Governors and Authorities of those Territories, and was not obligatory upon the King: but it shews the general policy of the Government widely departed from, in the Donations to 2 favorite Officers of the Crown, and a Spanish Subject, between whom, in a sweeping transfer, a few million of acres were liberally granted by the King: and what, Sir, were the reasons assigned for these liberal gifts? "For the increase of population in the Territory of Florida, for the fulfilment of His Majesty's beneficent wishes in favour of the agriculture and commerce of his said Possessions, which were very much in want of a Population adequate to the fertility of the land and the defence of the Coast." At the moment of determining to pass away the Territory to the dominion of a Foreign Power, the anxiety is discovered to render it populous, to foster its agriculture and commerce, to furnish an adequate defence for its Coasts. That Individuals, who sought the acquisition of wealth at the expense of the moral character of their Country, should attempt to conceal the real, the selfish motive of their application for gifts, under the pretence of being actuated by a desire of promoting the interests of the State, is not surprising, since the history of the World affords so many unhappy examples of it; but it is both wonderful and lamentable, that Governments should be deluded to adopt such hollow pretences, and assign them as the motives of their conduct. In the present case, how are these reasons of State reconcilable with the proposed Cession of the Territory? Either Spain offered a Cession, intending never to make it, or these were not the real inducements to these Donations.

A Territory which had been almost abandoned for Years by the Government of Spain, alternately used by the British Troops, the

Indians, and the Blacks, for the annoyance of The United States, which had been left to be preyed upon by every adventurer who could command a Pilot Boat and a musket, becomes, at the moment it is to be ceded away, an object of parental solicitude ; a solicitude discovered by giving monopolies of its lands to 3 Persons, who affected the intention to cultivate and improve them ; an intention, established by the notorious fact, of these lands having been frequently offered for sale by the Claimants, in Spain and in The United States. It is somewhat singular that the Spanish Minister in The United States, who in the whole of the Negotiation, professed the most perfect readiness to stipulate that they should be given up, should yet be ignorant of the dates of these Donations, and should have arranged an Article in respect to Grants, so as to leave room for a pretence that the large Donations were valid. How happened it that he was thus ignorant, he upon whose knowledge of these Instruments The United States relied, and they could rely upon no other ? How did it occur, that, in the short space of 12 days after the signature of the Treaty, the information was given to satisfy him that he might have been mistaken in the belief with regard to their dates ? I reject the supposition that all this is diplomatic finesse, intended to secure the large Donations to the Claimants of them, but refer to this circumstance to prove, still more clearly, how injuriously Spain has acted to The United States in this business. The allegation, that the American Government ought not to have relied upon information derived from the Minister with whom they were negotiating, will never be urged by Spain. The American Government could not procure authentic information from any other source, and, if a mistake had been made, from a reliance upon that which was procured, a just and honorable Government would disdain to take any other advantage of it than that of manifesting its good faith, by its cheerfulness and promptitude in correcting the error ; fulfilling the intention, instead of the letter, of its engagement. In fine, Sir, the injustice of this transaction has been perfected by the influence these Donations appear to have had in preventing the Ratification of the Convention of 22d February, 1819 ; a Convention which settled important interests ; secured the pacific and harmonious relations between The United States and Spain ; provided indemnities for injuries Spain acknowledged American Citizens had suffered from her ; removed all causes of future dispute and difficulty ; and laid deep and broad the foundation of a permanent good understanding between the 2 Powers. Such, Sir, has been the conduct of Spain. She offered a Cession, and endeavored to render it worthless ; she proposed indemnities, and attempted to destroy the fund out of which they were to be made. To do this, she abandoned her ancient territorial policy, and assigned reasons for her conduct which could not have regulated it. Her Negotiator acted as if he knew of facts, of which he subsequently professed himself to have been ignorant,

and, in consequence, made an arrangement which laid the foundation of new embarrassments between this Government and that of The United States: and because The United States frankly avow its resolution to do what it engaged to do, I am told that their example justifies Spain in an indefinite delay of a determination to accept or reject that arrangement. In whatever light this transaction is viewed, grievous injury has been done to The United States, for which they have a right to demand and obtain satisfaction. Having thus experienced its necessity and propriety, your Excellency must not be surprised, if The United States, in future, take pledges of security for the performance of any Engagements they may enter into with Spain, more effectual than confidence in her good faith.

I renew to your Excellency, &c.

H. E. the Duke of San Fernando and Quiroga. JOHN FORSYTH.

(*Enclosure 6.*)—*Don José de Pizarro to Mr. Erving.*

(Extract.) (Translation.) *Madrid, 27th July, 1817.*

No time shall be lost in preparing the Instructions, of which Don Luis Noeli will be the Bearer, to the Minister Onís; it being his Majesty's intention that no step or measure shall be omitted which may promote the settlement, upon terms consistent with the welfare of his Subjects and the honor of his Crown.

Mr. Erving.

JOSE DE PIZARRO.

No. 5.—Mr. Forsyth to Mr. Adams.

(Extract.) *Madrid, 16th November, 1819.*

SINCE my Official Letter, by way of Gibraltar, nothing important in relation to our affairs has occurred here. General Vives has not yet found his way to Madrid.

IT is now said Vives will go by the way of England. The Expedition of Cadiz is again the subject of interest with Spain. It is contemplated to send it out in February, and the Force is to be 15,000 men.

The Hon. John Quincy Adams.

JOHN FORSYTH.

No. 6.—Mr. Forsyth to Mr. Adams.

(Extract.) *Madrid, 27th November, 1819.*

LATE in the evening of the 16th of the present month, after my Letter to you of that date had been sent to the Post Office, I was very much surprised to receive from the Duke of San Fernando the Remonstrance addressed to him on the 18th of October last. The causes assigned to this step you will find in the Copy of the Duke's Note, of the 12th November, marked 1: after mature deliberation, it appeared to me that the only course which I could pursue was to insist upon the reception of the Remonstrance, and if that was refused, to leave Madrid; believing that, in doing this, I should only anticipate the wishes of the President.

It is possible that this determination will gratify the wishes of this Government, whose good will has been lost to me ever since the delivery of my Official Note, of the 21st of June, to M. Salmon. The truth of this supposition will be ascertained by the effect of my Note of the 20th; a Copy of which, marked 2, is enclosed. If they wish me to remain, they will either receive the remonstrance, or give me such assurances with respect to the Grants as will justify me in withholding it altogether. I shall give you the earliest possible information of what is done. At all events, I shall not quit Madrid until the 1st of January, and will, if I am obliged to leave it, remain in France until the beginning of March, with the hope of hearing before that period what direction Congress will give to our affairs with Spain. General Vives was in Madrid at the date of my last Letter. I did not hear of his arrival until the 17th, although he arrived on the 15th. I have been told that his appointment has been made known to him officially, and that he has, with great reluctance, accepted it. From the Government of Spain I knew nothing about him, either formally or informally.

The Hon. John Quincy Adams.

JOHN FORSYTH.

(*Enclosure 1.*)—*The Duke of San Fernando and Quiroga to Mr. Forsyth.*
 SIR, (Translation.) *Palace, Madrid, 12th November, 1819.*

I HAVE perused, with due attention, your Note of the 18th ult. and although I wished, on reflecting on the friendly sentiments entertained by the King, my Master, for your Government, and on those which, on my part, I have for it, and for yourself personally, to have found them reciprocated in your Note, since I had every reason to be persuaded, from what had passed in our Conference on the 3d of the same month, that they really existed; I have, notwithstanding, to regret, that my expectations have unfortunately been disappointed. So far, indeed, is your Note from exhibiting those feelings, that it gives me extreme concern only to discover in it ideas which seem wholly incompatible with the principles professed by your Government, and expressed in terms (since I am compelled to say so) equally unprecedented and repugnant to the delicacy and attention which are peculiar to, and are invariably observed in, all Diplomatic Communications. I should have failed in the very high consideration I owe to the American Government, in the due respect I entertain for you, and, especially, in my duty, as the Principal Secretary of His Majesty, the King, my Lord, by communicating to him the contents of a Note, which attacks the honour of His Majesty, without tending in the least to elucidate the subject in question. Upon it the King will, in a direct course, demand of, and give to, the Federal Government the requisite explanations, as I have already had the honour, more than once, to inform you. It is, therefore, with the greatest concern that it becomes my indispensable duty to return to you such a Note, with the assurance, that I will, with

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as great pleasure, promptitude, and eagerness, submit to His Majesty such Communications as you may address to me, which are conceived in fit and becoming terms, as I am wholly averse to laying before him those which cannot fail to prove offensive to his exalted character and sovereign dignity.

In repeating to you the keen regrets I feel on this occasion, I have to renew to you the assurance of my perfect readiness to receive from you such Communications as you may be pleased to make to me, and are conformable to the received usage and custom of European Diplomacy.

God preserve you many Years.

THE DUKE OF SAN FERNANDO AND QUIROGA.

Mr. Forsyth.

(*Enclosure 2.*)—*Mr. Forsyth to the Duke of San Fernando and Quiroga.*
SIR, *Madrid, 20th November, 1819.*

YOUR Excellency's Note of the 12th was delivered to me on the 16th. The Official Remonstrance of the 18th October, which your Excellency has felt yourself reluctantly compelled to return to me, was prepared and sent by the Instructions of the Government of The United States. It must be obvious to your Excellency, that, if Representations to His Catholic Majesty, which I am directed to make, are not received, my further residence near His Majesty's Court would be worse than useless to my Country. I should have preferred that your Excellency should either have pointed out precisely what you deemed inadmissible, and requested an alteration, or have desired me to recal the remonstrance, for the purpose, if possible, of putting it in terms more acceptable. I need not, after our conversation of the 3d ultimo, assure your Excellency that I should have done every thing consistent with the obligations of duty to meet your wishes. No doubt it occurred to the enlightened understanding of your Excellency that, from the nature of the subject, but few sacrifices could be made to Diplomatic courtesy.

I regret that the censure bestowed upon the Remonstrance had not been made with more precision. As your Excellency has remarked upon it in very general terms, I am compelled to follow the example. The objections are, that the Remonstrance does not contain the friendly sentiments which ought to animate The United States towards Spain, as such sentiments animate His Catholic Majesty towards The United States;—that it contains ideas which are not, and cannot be analogous to the principles which ought to govern The United States, and terms disused, and foreign to the delicacy and attention always so much observed, and so peculiar to Diplomatic Communications; that you cannot place it before His Majesty, as it attacks the honor of the King, without serving as any illustration of the matter discussed in it, which His Majesty will know how to ask and give directly to the Federal Government. Objections, in terms so general, might with safety be

made to any embarrassing Official Document on an important subject of dispute. Upon which of these does your Excellency rely, to justify the return of the Remonstrance? To secure the reception of an Official Note, is it necessary that the sentiments of it should be friendly? That the ideas it contains, should, in the opinion of the organ of the Government to whom it is addressed, be analogous to the principles which ought to govern the Power from whom it is sent? That the terms of it should be well chosen, courteous, and delicate, according to the usages of Diplomacy, or even that it should not attack the character of the Government? Your Excellency's candor, enlightened by the history of the intercourse of Nations, must admit that few Diplomatic Notes would be received, if these were pre-requisites. The sentiments, ideas, and terms, of Diplomatic, like all other Correspondence, change according to the situation and determination of the Parties, and the nature of the subject of it. The Correspondence is courtly and delicate, while the Parties can rely upon the good dispositions of each other. Sometimes, indeed, the language of courtesy is continued to conceal intentions of deadly hostility; to blind an adversary to preparations which are making for his destruction. This dishonourable artifice has become, by frequent use, too well known to deceive. But in every controversy which terminates in a serious misunderstanding, a period arrives when delicacy and attention give place to plainness and truth. All that can be required is, that the head of the Government shall not be treated with personal disrespect. In many instances, the subject matter is of a character so peculiar, that it cannot be touched, without calling in question the honor of the Government whose conduct is examined. In Reclamations made for the violation of Treaties; for outrages upon the rights of humanity; for fraudulent designs; so soon as the Government refuses to give the reparation required, the charge of bad faith, of inhumanity or fraud, is fixed upon it, if not by direct assertion, by necessary implication.

Every Remonstrance supposes some wrong committed, and of necessity questions the conduct of the Government which has given occasion to it. There is this difference between Remonstrances made before, and after the Government itself declares its approbation of the act complained of. The first are made with a professed belief that the act will be disavowed, and reparation will be made,—the last cannot contain such a courteous admission. Strange, indeed, would it be, if Nations should suffer injury, from fraud, injustice, or violence, and should be restrained from the expression of their sentiments, by the danger of sinning against the high character and dignity of the offending Power. I claim the right, as the Representative of my Country, of placing any Remonstrance I may deem necessary to the interest and honor of The United States, before the King, your Excellency's Royal Master, that is not couched in terms *personally disrespectful* to the Sovereign of

Spain. And even were I capable of forgetting the obligations of personal respect to the King himself, I should question your Excellency's right to refuse to receive the Representations I should make. If your Excellency proposes to be governed by the usages of European Diplomacy, the usual course in such case would be, either to direct the Minister, who forgets the respect due to the person of the Sovereign, near whom he resides, to withdraw, or to request his recal from the Government he represents.

But to come to a more particular examination of the several causes of complaint against the Note of the 18th October, 1819. It does not contain the friendly sentiments which should animate The United States to Spain. Allow me to refer your Excellency to all the Official Correspondence of The United States with Foreign Nations; you will find that we do not deal in professions; we know they are worthless, and therefore leave all Nations, with whom we have intercourse, to judge of our disposition by our conduct. What meaning your Excellency proposes to convey when you state that my Note contains ideas which are not and cannot be analogous to the principles which ought to govern The United States, I do not comprehend. Whether your Excellency refers to the principles of morality, of national Law, or of municipal policy, I trust and believe there is nothing in it which is not consistent with the purest morality, and justified by the soundest maxims of national Law. If your Excellency refers to the principles of municipal policy, I must be allowed to say, that your Excellency's judgment has deceived you upon a subject on which it was not competent for you to decide. Your Excellency may hope that the principles that are not consonant with those entertained here, do not govern The United States, but when your Excellency proceeds to say what should or should not govern my Country, your Excellency volunteers an opinion on a subject upon which we do not admit foreign interference. We know full well, that our principles, not of morality or of national Law, for on these points it is to be hoped there is but little difference of opinion in all Quarters of the World, but of Government, could scarcely be approved by a Politician of Spain. With all my respect for your Excellency, and knowledge of your excellent character, I cannot suppose you sufficiently well acquainted with the principles of free Government, to decide correctly upon this subject, since it is a species of knowledge not fashionable in Spain, or particularly calculated to render the possessor of it useful in the high Departments of His Majesty's Government.

But the terms of my Note are unusual, and not consistent with delicacy, &c. Let me intreat your Excellency to re-examine the offending Paper. I venture to say, that there are no unusual terms in it, or terms inconsistent with the most scrupulous delicacy. It is true, that the subject is one of the most unpleasant nature. The facts and the

reasoning upon them, go to fix a serious charge upon the Government of Spain. If the facts are undisputed, and no unfair conclusions are drawn from them, your Excellency must be satisfied that the fault lies not upon its author, or upon those by whose command it was prepared, but upon those who made it necessary ; upon those whose misconduct or evil counsel has made it necessary for a Foreign Government to make such Representations to the King. That it is necessary for The United States to remonstrate on this subject, I will not attempt to demonstrate. That question has been decided by them, and your Excellency appears to be satisfied of its propriety, when you suggest that the King will know how to ask and give an illustration of this matter, directly to the Federal Government. The Federal Government, however, prefers to have this illustration indirectly through its Minister at the Court of Spain ; the more especially, as it appears there is but little prospect of its being speedily afforded in the direct mode. I think more than a month has elapsed since your Excellency spoke of the intention of sending a Minister to The United States, not then appointed. I have yet to learn from your Excellency, if that Appointment has been made. To this Representation I will add, that if my Official Note of the 18th of October contains any thing *personally offensive* to His Majesty, it was not inserted with such a design. I desire to treat the Sovereign of Spain with every possible respect and decorum. The intentions of the head of this Government, I always suppose to be correct ; the King may be deceived by false representations ; misled by evil counsel, *while his own intentions* are pure and honorable. This, the decorum of Diplomacy always takes for granted ; and if I have violated this rule, as soon as I am made sensible of it, I will hasten to correct the error. Your Excellency thinks that I ought to have remained satisfied with the conversation of the 3d of October, on the subject of the difference between our 2 Governments. I appeal confidently to your Excellency duly to estimate the value of the assurances received from you. They did not differ from those previously received from your Excellency's Predecessor in office. They were indeed given more sparingly, and with greater caution. With every portion of your Excellency's deportment I had reason to be satisfied ; but, on the important matter of our interview, I had but too much cause to apprehend what subsequently occurred, a new refusal on the part of His Majesty's Government to do what we think justice and honor required. If reliance is to be placed on the information given by the Public Journals, and your Excellency has quoted them as authority, even since that interview, an instructing commentary has been furnished upon the designs of Spain. On the 18th of July last, in consequence of Orders for preparation, which must have issued simultaneously with M. Salmon's Note to me of the 19th of June, a portion of the Force collected at Cadiz was hurried off under General Cagigal. The conjecture entertained, was, that it was intended

to strengthen the Royal Forces, in some portion of the Dominions of Spain, in revolt against the authority of the King. It appears by recent notices, that a moiety of this Expedition has been sent to Florida. This fact, in addition to the numerous circumstances already brought to the view of this Government, in my previous Correspondence, will certainly be considered sufficiently marked, to excuse, if not to justify, a little incredulity.

As the business of the remonstrance is likely to produce very unpleasant consequences, I propose, out of a prudent but possibly useless caution, to direct the Note of the 18th to be carefully translated by the Person attached to this Legation. It will then be sent to your Excellency for re-examination, unless I should previously receive some formal assurances on the subject of the Grants which have occasioned it, which will justify me in withholding it altogether—an occurrence which would afford me the liveliest sensations of pleasure.

If, on the re-examination of this Document, your Excellency's determination should remain the same, you will do your duty, and I shall do mine.

May God preserve your Excellency, &c.

H. E. the Duke of San Fernando and Quiroga. JOHN FORSYTH.

No. 7.—Mr. Everett to Mr. Adams.

(Extract.)

The Hague, 23d Dec. 1819.

THE King of Spain has appointed the Marechal de Camp Vives, Successor to M. de Onis, and he is now in Paris on his way to his destination.

The Hon. John Quincy Adams.

A. H. EVERETT.

III.—Message of the President of The United States to Congress.—Washington, 27th March, 1820.

TO THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES.

I TRANSMIT to Congress an Extract of a Letter from the Minister Plenipotentiary of The United States at St. Petersburg, of the 1st of November last, on the subject of our relations with Spain, indicating the sentiments of the Emperor of Russia respecting the non-ratification, by His Catholic Majesty, of the Treaty lately concluded between The United States and Spain, and the strong interest which His Imperial Majesty takes in promoting the Ratification of that Treaty. Of this friendly disposition, the most satisfactory assurance has been since given directly to this Government, by the Minister of Russia residing here.

I transmit also to Congress an Extract of a Letter from the Minister Plenipotentiary of The United States at Madrid, of a later date than those heretofore communicated, by which it appears that, at the instance of the *Chargé des Affaires* of the Emperor of Russia, a new pledge had been given by the Spanish Government, that the Minister, who had been lately appointed to The United States, should set out on his Mission, without delay, with full power to settle all differences in a manner satisfactory to the Parties.

I have further to state that the Governments of France and Great Britain continue to manifest the sentiments heretofore communicated, respecting the non-ratification of the Treaty by Spain, and to interpose their good offices to promote its Ratification.

It is proper to add, that the Governments of France and Russia have expressed an earnest desire that The United States would take no step, for the present, on the principle of reprisal, which might possibly tend to disturb the peace between The United States and Spain. There is good cause to presume, from the delicate manner in which this sentiment has been conveyed, that it is founded in a belief, as well as a desire, that our just objects may be accomplished without the hazard of such an extremity.

On full consideration of all these circumstances, I have thought it my duty to submit to Congress, whether it will not be advisable to postpone a decision, on the questions now depending with Spain, until the next Session. The distress of that Nation at this juncture affords a motive for this forbearance, which cannot fail to be duly appreciated. Under such circumstances, the attention of the Spanish Government may be diverted from its foreign concerns, and the arrival of a Minister here be long delayed. I am the more induced to suggest this course of proceeding, from a knowledge that, while we shall thereby make a just return to the Powers whose good offices have been acknowledged, and increase, by a new and single proof of moderation, our claims on Spain, our attitude in regard to her will not be less favorable at the next Session than it is at present.

Washington, 27th March, 1820.

JAMES MONROE.

No. 1.—Mr. Campbell to Mr. Adams.

(Extract.) *St. Petersburg, 20th October, (1st Nov.) 1819.*

YOUR Despatch, of June 3d, I had the honor to receive a few days ago.

After some general conversation, he (Count Nesselrode) enquired, (as I presumed he would do, and waited for him to introduce the subject,) if I had any certain account of what Spain was doing, or had done, respecting the Treaty lately concluded by her Minister at Washington with our Government. I had shortly before received from Mr.

Gallatin a Letter, confirming the account which had already reached me through the Newspaper, that the King had refused to ratify the Treaty until he should obtain some previous explanations, relating, as stated by Mr. Gallatin, to 2 points: 1st, the Declaration Mr. Forsyth was instructed, on exchanging the Ratifications, to put in, that the Grant to the Duke of Alagon for Lands in the ceded Territory, which, though intended to be, was not by the terms of the Treaty made, null, should be considered as null; and 2d, an engagement required by Spain, on the part of our Government, not to recognize the independence of any of the Spanish Colonies; and that, to demand these explanations, a Minister Extraordinary was to be sent to Washington, though Mr. Forsyth had offered, as instructed, to give full explanations on any point connected with the Treaty. I therefore informed the Count, I had received authentic information, though not from my Government, that the King had refused his assent to the Treaty until he should obtain explanations on certain points, for which purpose, he proposed sending a Minister Extraordinary to Washington. I took this occasion to remark further, that by official information from my Government, I felt myself authorised to state, that M. de Onis, the Spanish Minister, was fully empowered to conclude the Treaty, and might have yielded more than he did without exceeding his authority; and that the points on which it is now proposed to ask explanations had been fully discussed before the Treaty was signed, and their extent and meaning explicitly understood by both Parties, of which the Spanish Court was fully informed: and our Minister there was instructed to give ample explanations, which he offered to do, on any points relating to the Treaty that might be supposed to require them. I added, that the Treaty was, undoubtedly, under all circumstances, highly favorable to Spain, and that, I was satisfied, a strong desire on the part of my Government to preserve peace, alone induced them to agree to its Provisions; that I presumed he had been informed respecting the terms of the Treaty by M. Poletica, with whom I understood you had freely communicated on the subject. He said M. Poletica had advised him that the explanations received from you respecting it, the Treaty, were by him considered favorable to Spain. I then referred to the Grant to the Duke of Alagon, briefly stated the nature of it, as made known to me, and observed, that, should the views of the King, as now avowed, in relation to it, supposing the principal point on which explanation was required, be acquiesced in, the chief object of entering into the Treaty would be thereby frustrated; that, by one of its provisions, The United States' Government agreed to pay, on account of Spain, to their own Citizens, for spoliations committed by her subjects, or in her Ports, contrary to Treaty, 5,000,000 dollars out of the proceeds of the sales of Lands in the ceded Territory; but, should this Grant, said to include a very large portion of those Lands,

be confirmed, the sum assigned for that purpose would fail, and of course, this provision of the Treaty could not be complied with.

He appeared to feel the full force of the remark, giving his assent to the conclusion drawn, and proceeded to observe, it was to be regretted that Spain did not understand her own interest better than she seemed to do: that it was difficult to conceive, in her present situation, what could induce her to take the course she had done, refuse to ratify a Treaty favorable to herself, and concluded by her Minister vested with Full Powers for the purpose. He then remarked on the great importance of preserving peace, as far as practicable, among the civilized Nations of the World, enquired what Spain could now do in regard to the business by sending a Minister to Washington, and what course our Government would be likely to adopt on the occasion.

I replied, that, as to Spain, I could form no opinion of the motives by which she was governed. I did not perceive what she could do, unless she receded from her objections to the Treaty; and, as to my own Government, though I was satisfied of its strong desire to preserve peace, I could not pretend to say what course it might conceive itself called on to take on the present occasion, though I presumed no decisive measures would be adopted to change essentially the relations between the 2 Countries until Congress should convene, early in December; and the course then pursued would probably depend upon what Spain should in the mean time do.

He then enquired how soon I expected to hear from my Government, after it had been advised of the refusal on the part of Spain to ratify the Treaty; and, being told that I could not state the precise time, with any degree of certainty, but that it would undoubtedly be as soon as Despatches could reach this from Washington, he expressed, with some earnestness his wish that I should make known to him, at as early a day as might be convenient, such information as I might receive from my Government on this subject.

The Hon. John Quincy Adams.

GEORGE W. CAMPBELL.

No. 2.—Mr. Forsyth to Mr. Adams.

(Extract.)

Madrid, 3d January, 1820.

A FEW days after the date of my last, I had a visit from the Count Bulgary, the Russian Chargé d'Affaires; he came to see me in consequence of a conversation he had just had with the Duke of San Fernando, respecting my Official Letter of the 18th of October, and the subsequent correspondence in relation to it. He stated to me, that the Duke regretted the necessity of sending back the Letter, but that it was so harsh in its terms, he could not place it before the King; to this was added a great many assurances of personal kindness and good will, not necessary to be repeated. I replied, that it was very mortifying to me, to be obliged to send the Letter in the first instance, and not

less so, to insist on its being received ; that the Duke had put it out of my power to act otherwise than I had done ; but there was no difficulty in avoiding the unpleasant consequences likely to ensue. The Duke had nothing to do but to give me such assurances in regard to the Grants, as would render it superfluous for me to say any thing about them. His Answer was at once curious and dissatisfactory. He said that the Duke could not give me any assurances, such was the predominating influence of the Grantees with the King. He was sincerely disposed to settle all the differences with The United States, and hoped in a short time, to have power to effect it ; had authorised Count Bulgary to say to the Russian Government, that General Vives was going immediately to The United States, and would have competent powers ; and that every thing would be amicably arranged. I made the Russian Chargé d'Affaires sensible that one part of this statement contradicted the other. General Vives could not receive powers competent to the purpose of amicable settlement, if the Secretary of State's Despatch was unable, from the influence of the Grantees, to say any thing about the large Donations. This was a subject upon which the American Government would listen to no terms ; and friendly arrangement was out of the question,—General Vives's visit to The United States useless,—unless the Spanish Government was prepared to abandon their pretensions in favor of the Grantees. On the subject of the Mission of General Vives, I desired the Count to remind the Duke, that I knew nothing of it. The general and loose declarations made months before, that the King would authorise some person to ask explanations at Washington, were all that the Spanish Government had chosen to communicate to me. The Count assured me of the personal anxiety of the Minister to arrange every thing satisfactory between the 2 Countries ; that his hopes were strong of being able to effect it ; that this business of the returned Note was embarrassing, and if I went away in consequence of its not being received, that, what he believed to be the wish of The United States and of his Government, and almost all other Powers, might be frustrated. Matters were in a bad state at present, and this would make them worse. To this, I answered, in general terms, that matters must become worse, before they became better ; that the Government of The United States had every disposition to be friendly with Spain, and had evinced it in a variety of modes ; for myself, I had, personally, every wish to be the instrument of promoting good will between the 2 Nations. He said this Government had a different impression. I was very sorry for it ; unfortunately the conduct of the Spanish Government had compelled me to speak with a plainness and openness which were disagreeable, as they were not accustomed to it. In the course of a long conversation, it occurred to me, that this dispute about the Note might be made useful, as I found the Spanish Government anxious to avoid receiving it, and, con-

trary to my expectation, desirous that I should remain here. I believed it practicable to accelerate their movements in our affairs without yielding the point in dispute. With this belief, I stated to Count Bulgary, that, if the Duke of San Fernando would officially say to me, at once, that General Vives was going immediately to The United States, with ample authority to arrange the business of the Convention, and that it was the particular wish of His Majesty's Government, that the Letter of the 18th should be withheld and that all matters relating to the Convention, should be discussed in Washington, notwithstanding I had positive Instructions to remonstrate on the subject of the Grants, and the conduct of Spain in relation to them, I would take the responsibility of retaining the obnoxious Paper in my hands, until compelled by events to deliver it, or until I receive further advices from the President.

The Duke must understand, that this was done with a perfect understanding that I insisted upon the right of returning the Paper, and should exercise that right, whenever I deemed it necessary. The Count left me with the expectation of making this arrangement. A few days afterwards we had another interview; he told me that the Duke would write, to tell me of the appointment of General Vives, and of the intention of sending him immediately to Washington; that he would have Full Powers, &c.; but that the Duke thought he could not advert particularly to the Remonstrance, or the Correspondence in relation to it, without commenting upon it, and this he desired to avoid; I answered, that I could not tell how I should act until I saw the Duke's Note; if I found in it a sufficient justification for detaining the Remonstrance, I would do so, and would look at it, with a view to find that justification. The Duke knew from me, that I was instructed to remonstrate earnestly on the subject of the Grants, and might judge from my manner of performing the duty, of the sentiments of the American Government. A week elapsed after this last conversation without my hearing from the Secretary of State. I called on the Russian Chargé d'Affaires to say, that I was surprised at this delay, and that I should certainly return the Remonstrance, if I did not hear from the Duke in a few days. He saw the Secretary of State in consequence of this visit, who assured him, that his personal indisposition had prevented him from sending me the intended Note. On the 18th December, I received the Duke's Note, a Copy of which is enclosed; you will see that it is not what I had reason to expect. He does not request a suspension of any Correspondence, or say that it is the wish of the Spanish Government that every thing should be left to the Negotiation of General Vives. He merely states, that, in his view, to continue discussion here would be superfluous, and likely to embarrass the Negotiation. Perhaps, considering their peculiar mode of doing business, I had no right to calculate upon any thing more.

Nevertheless, I am not at all satisfied with it, and had I consulted my own inclination only, I should immediately have sent back the Note of the 18th October, with the Translation. What has occasioned me to delay and deliberate, and still keeps me uncertain how to act, is the apprehension that my judgment of what is proper might be involuntarily influenced by my own wishes. I need not conceal from you, that my situation here is unpleasant, and that I find no sufficient consolation for my personal mortification in the consciousness of being useful to The United States, feeling as I do, that I am almost, if not altogether, useless. The very awkward state of my private affairs in Georgia, in consequence of my unlooked for detention here, increases my anxiety to leave Spain. What I fear, and I hope it is not an unworthy apprehension, is, that these circumstances may unconsciously induce me to believe, that the more energetic course is the best. What I have at last resolved upon is, to delay my answer until I see the President's Message. It will then be sent before General Vives leaves Europe. He is still in Madrid, goes in a coach and *colleras* to Bayonne, a journey of 12 or 15 days; thence to Paris, from Paris to England, and from England to The United States. His *rapid* journey to Washington, will probably be finished in May. My answer will be regulated by the advices I hope soon to receive from Washington. I shall certainly not go further, in any event, than to say, that I shall retain the Letter of the 18th October for a short time, under the hopes that His Majesty will render it unnecessary to make any Remonstrance on the subject of it.

The Hon. John Quincy Adams.

JOHN FORSYTH.

(*Enclosure.*)—*The Duke of San Fernando and Quiroga to Mr. Forsyth.*
(Translation.)

SIR,

Palace, Madrid, 16th December, 1819.

IN consequence of the decision of the King, my Master, and in conformity with the Communications which my Predecessor and I have had the honor to make to you, the moment has arrived when the person of whom His Majesty had made choice, is about to proceed to America, for the purpose of asking of your Government the explanations which His Majesty has judged to be indispensable, previous to the Ratification, by His Majesty, of the Treaty concluded and signed by Don Luis de Onís.

The Plenipotentiary appointed is the Marechal de Camp Don Francisco Dionisio Vives; a distinguished person, in whom the King, my Master, has the fullest confidence, and to whom he has given the most ample powers to settle all the difficulties he so earnestly wishes to see removed, and succeeded by the establishment, on a solid basis, of that harmony between Spain and The United States to which their mutual interests so strongly invite them.

As Don Francisco D. Vives will set out immediately on his journey, and proceed expeditiously, I consider the measure now communicated to you, and which you will be pleased to make known to your Government, as dispensing with any farther discussion here of the points which form the object of the above-named gentleman's present Mission, as a continuance of it would only tend to embarrass the course of the direct Negotiation about to be established.

I renew to you, Sir, the assurances, &c.

THE DUKE OF SAN FERNANDO AND QUIROGA.

Mr. Forsyth.

No. 3.—*Mr. Gallatin to Mr. Adams.*

(Extract.)

Paris, 22d January, 1820.

ACCORDING to some accounts, the intended Minister to The United States left Madrid on the 9th. The British Ambassador here told me that he was still there on the 11th.

The Hon. John Quincy Adams.

ALBERT GALLATIN.

No. 4.—*Mr. Everett to Mr. Adams.*

(Extract.)

The Hague, 25th January, 1820.

I STATED in a late Letter, upon the authority of the Spanish Chargé d'Affaires here, that M. de Onis's Successor, General Vives, was at Paris, on his way to America. It appears, however, that he has not yet left Madrid.

The Hon. John Quincy Adams.

A. H. EVERETT.

No. 5.—*Count Nesselrode to M. Poletica.*—(Translation.)

(Extract.)

St. Petersburg, 27th Nov. (9th Dec.) 1819.

YOU have doubtless been able to obtain information how far the President's last Instructions to Mr. Forsyth were positive. The Emperor will not take it upon him to justify Spain, but he charges you to plead, with the Government at Washington, the cause of peace and concord. That Government is too enlightened to take hasty steps, and its rights appear to be too solid, not to be weakened by a violent course of proceeding; and on the other hand, such is the character of the considerations which command the Ratification, by Spain, of the arrangement relative to the Floridas, that it is to be hoped, she will, at length, yield to the force of evidence. The United States will then have added to the reputation of an able, that of a moderate, policy, and will gather, with security, the fruits of their wisdom. His Imperial Majesty, therefore, wishes that if there be yet time, you would engage the Government at Washington to give to the Spanish Ministry a proof of patience, which its circumstances might indeed seem to suggest. Nevertheless, the Emperor does not interpose in this discussion. He makes, above all, no pretension to exercise an influence in the Councils

of a Foreign Power. He merely expresses a wish, dictated by his concern for the general welfare, and worthy of the generous good faith which characterizes the Government of The United States.

M. Poletica.

NESSELRODE.

IV.—Message from the President of The United States to Congress.—Washington, 9th May, 1820.

TO THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES.

I COMMUNICATE to Congress a Correspondence which has taken place between the Secretary of State and the Envoy Extraordinary and Minister Plenipotentiary of His Catholic Majesty, since the Message of the 27th March last, respecting the Treaty which was concluded between The United States and Spain, on the 22d February, 1819.

After the failure of His Catholic Majesty, for so long a time, to ratify the Treaty, it was expected that this Minister would have brought with him the Ratification; or that he would have been authorized to give an order for the delivery of the Territory, ceded by it, to The United States. It appears, however, that the Treaty is still unratified, and that the Minister has no authority to surrender the Territory. The object of his Mission has been to make complaints, and to demand explanations, respecting an imputed system of hostility, on the part of Citizens of The United States, against the Subjects and Dominions of Spain, and an unfriendly policy in their Government, and to obtain new stipulations against these alleged injuries, as the condition on which the Treaty should be ratified.

Unexpected as such complaints and such a demand were, under existing circumstances, it was thought proper, without compromising the Government, as to the course to be pursued, to meet them promptly, and to give the explanations that were desired, on every subject, with the utmost candor. The result has proved, what was sufficiently well known before, that the charge of a systematic hostility being adopted, and pursued by Citizens of The United States, against the Dominions and Subjects of Spain, is utterly destitute of foundation; and that their Government, in all its branches, has maintained, with the utmost rigor, that neutrality, in the Civil War between Spain and the Colonies, which they were the first to declare. No Force has been collected, nor incursions made from within The United States, against the Dominions of Spain; nor have any naval Equipments been permitted, in favor of either Party, against the other. Their Citizens have been warned of the obligations incident to the neutral condition of their Country; the Public Officers have been instructed to see that

the Laws were faithfully executed ; and severe examples have been made of some who violated them.

In regard to the stipulation proposed, as the condition of the Ratification of the Treaty, that The United States shall abandon the right to recognize the revolutionary Colonies in South America, or to form other relations with them, when, in their judgment, it may be just and expedient so to do, it is manifestly so repugnant to the honor, and even to the independence of The United States, that it has been impossible to discuss it. In making this proposal, it is perceived that His Catholic Majesty has entirely misconceived the principles on which this Government has acted, in being a party to a Negotiation so long protracted, for Claims so well founded and reasonable, as he likewise has the sacrifices which The United States have made, comparatively, with Spain, in the Treaty to which it is proposed to annex so extraordinary and improper a condition.

Had the Minister of Spain offered an unqualified pledge that the Treaty should be ratified by his Sovereign, on being made acquainted with the explanations which had been given by this Government, there would have been a strong motive for accepting and submitting it to the Senate, for their advice and consent, rather than resort to other measures for redress, however justifiable and proper ; but he gives no such pledge ; on the contrary, he declares explicitly, that the refusal of this Government to relinquish the right of judging and acting for itself, hereafter, according to circumstances, in regard to the Spanish Colonies, a right common to all Nations, has rendered it impossible for him, under his Instructions, to make such engagement. He thinks that his Sovereign will be induced, by his Communications, to ratify the Treaty ; but still he leaves him free, either to adopt that measure, or to decline it. He admits that the other objections are essentially removed, and will not, in themselves, prevent the Ratification, provided the difficulty on the third point is surmounted. The result, therefore, is, that the Treaty is declared to have no obligation whatever ; that its Ratification is made to depend, not on the considerations which led to its adoption, and the conditions which it contains, but on a new Article, unconnected with it, respecting which a new Negotiation must be opened, of indefinite duration and doubtful issue.

Under this view of the subject, the course to be pursued would appear to be direct and obvious, if the affairs of Spain had remained in the state in which they were when this Minister sailed. But it is known that an important change has since taken place in the Government of that Country, which cannot fail to be sensibly felt in its intercourse with other Nations. The Minister of Spain has essentially declared his inability to act in consequence of that change. With him, however, under his present powers, nothing could be done. The attitude of The United States must now be assumed, on full consideration

of what is due to their rights, their interest, and honor, without regard to the powers or incidents of the late Mission. We may, at pleasure, occupy the Territory which was intended and provided, by the late Treaty, as an indemnity for losses so long since sustained by our Citizens; but still nothing could be settled definitively without a Treaty between the 2 Nations. Is this the time to make the pressure? If The United States were governed by views of ambition and aggrandizement, many strong reasons might be given in its favor. But they have no objects of that kind to accomplish; none which are not founded in justice, and which can be injured by forbearance. Great hope is entertained that this change will promote the happiness of the Spanish Nation. The good order, moderation, and humanity, which have characterized the movement, are the best guarantees of its success. The United States would not be justified, in their own estimation, should they take any step to disturb its harmony. When the Spanish Government is completely organized, on the principles of this change, as it is expected it soon will be, there is just ground to presume, that our differences with Spain will be speedily and satisfactorily settled.

With these remarks I submit it to the wisdom of Congress, whether it will not still be advisable to postpone any decision on this subject until the next Session.

Washington, 9th May, 1820.

JAMES MONROE.

No. 1.—Letter of Recal of Don Luis de Onis, Spanish Minister to The United States.—(Translation.)

DON Ferdinand the VIIth, by the grace of God, King of Castile, Leon, and Arragon; of the 2 Sicilies, Jerusalem, Navarre, Grenada, Toledo, Valencia, Galicia, Majorca, Seville, Sardinia, Cordova, Corsica, Murcia, Jaen, the Algarves, Algesiras, Gibraltar, the Canary Islands; of the 2 Indies, and of the Islands of the Ocean Sea; Archduke of Austria; Duke of Burgundy, of Brabant, and Milan; Count of Hapsburg, Flanders, Tirol, and Barcelona; Lord of Biscay and Molina: &c. &c. &c.

To my great and good Friends the United States of America.
GREAT AND GOOD FRIENDS,

It having been represented to us by Don Luis de Onis, our Envoy Extraordinary and Minister Plenipotentiary to you, that he is desirous to return to Europe, for the recovery of his health, we have thought fit to grant him the necessary permission for that purpose. We have, therefore, authorized him to take his leave of you, and have charged him, in so doing, to assure you of our constant friendship and desire to maintain and strengthen the ties of amity now happily subsisting between us. On his faithful execution of these our commands, we

rely with confidence, as we do that you will receive with satisfaction these renewed assurances.

We conclude by commending you to God ; and we pray that He would have you in His safe and holy keeping.

Your good friend,

Madrid, of 1819.

FERDINAND.

JOAQUIM JOSÉ MELGAREJO DE RUIZ DAVALOS.

No. 2.—Don Luis de Onís to Mr. Adams.—(Translation.)

SIR,

Madrid, 27th January, 1820.

HAVING received from my Sovereign an appointment to other duties, and being thereby deprived of the satisfaction of presenting to the President the Letters of re-credence of the King, my Master, I am under the necessity of transmitting them to you, with my request that you would be pleased to lay them before his Excellency the President ; to whom you will also make it known, that His Majesty, on deciding to terminate my Mission to your Government, has commanded me to express to it the assurance of his unalterable desire to maintain the strict friendship now happily subsisting between both Powers.

In fulfilling these orders of my Sovereign, permit me, Sir, also, to express to you the deep sense I entertain of the personal attentions with which I was honoured by the President, by yourself in particular, and by the Citizens of the Union in general ; and to add the assurance that it will ever be to me a subject of the most grateful reflection, if, in the discharge of my duties, and in the execution of the Orders of my Government, whose object it always has been to establish the most perfect harmony between the 2 Countries, I shall have been so fortunate as to have acquired the esteem of the President, together with your's.

I pray you, Sir, to receive, &c.

The Hon. John Quincy Adams.

LUIS DE ONIS.

No. 3.—Credential Letter delivered by General Vives to the President of The United States.—(Translation.)

DON Ferdinand the VIIth, by the Grace of God, King of Castile, Leon, and Arragon, of the 2 Sicilies, Jerusalem, Navarre, Grenada, Toledo, Valencia, Galicia, Majorca, Seville, Sardinia, Cordova, Corsica, Murcia, Jaen, the Algarves, Algesiras, Gibraltar, the Canary Islands ; of the 2 Indies, and of the Islands of the Ocean Sea ; Archduke of Austria ; Duke of Burgundy, of Brabant, and Milan ; Count of Hapsburg, Flanders, Tirol, and Barcelona ; Lord of Biscay and Molina : &c. &c. &c.

[1819—20.]

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To my great and good Friends The United States of America.

GREAT AND GOOD FRIENDS,

BEING animated by the most sincere desire to maintain the friendship and good understanding happily subsisting between both Countries, and it being necessary, to that end, that another Person, possessing our entire confidence, should forthwith be deputed to you, as a Successor to our late Envoy and Minister Plenipotentiary, Don Luis de Onis, to whom we have granted leave to return to Europe, for the re-establishment of his health; We have thought fit to confer the said Appointment on Don Francisco Dionisio Vives, a Major-General of our Armies, Knight of the Third Class of the Royal and Military Order of Saint Ferdinand, and a Member of the Supreme Council of the said Order; Knight of the Royal and Military Order of St. Hermenegildo; twice honored by Decrees of thanks for patriotic services; decorated with the Order of the North Star, and Crosses of Honor for distinguished conduct and valor, at the Battles of Albuera, Sorauren, Lugo, Tamañes, and Medina del Campo; also, at the surrender of Villa Franca to the Army of the left; he uniting the requisite qualifications for the due discharge of the said trust.

We therefore hope, that, on his presenting to you this our Letter of Credence, you will grant him a kind and favorable reception; giving all faith and credit to what he shall say to you on our behalf.

Done at Madrid, this 15th day of December, 1819.

FERDINAND.

JOAQUIM JOSÉ MELGAREJO DE RUIZ DAVALOS.

No. 4.—*General Vives to Mr. Adams.*—(Translation.)

SIR,

Washington, 14th April, 1820.

IN conformity with the Orders of my Government, which were communicated to Mr. Forsyth on the 16th of December last, by his Excellency the Duke of San Fernando and Quiroga, and with the earnest desire of the King, my Master, to see a speedy adjustment of the existing difficulties which obstruct the establishment, on a permanent basis, of the good understanding so obviously required by the interests of both Powers; I have the honour to address you, and frankly to state to you, that my August Sovereign, after a mature and deliberate examination, in full Council, of the Treaty of the 22d of February of the last Year, saw, with great regret, that, in its tenor, it was very far from embracing all the measures indispensably requisite to that degree of stability which, from his sense of justice, he was anxious to see established in the settlement of the existing differences between the 2 Nations.

The system of hostility, which appears to be pursued in so many parts of The Union, against the Spanish Dominions, as well as

against the property of all their Inhabitants, is so public and notorious, that, to enter into detail, would only serve to increase the causes of dissatisfaction; I may be allowed, however, to remark, that they have been justly denounced to the Public of The United States, even by some of their own Fellow-Citizens.

Such a state of things, therefore, in which individuals may be considered as being at War, while their Governments are at Peace with each other, is diametrically opposed to the mutual and sincere friendship, and to the good understanding which it was the object of the Treaty (though the attempt has failed) to establish, and of the immense sacrifices consented to by His Majesty to promote.

These alone were motives of sufficient weight imperiously to dictate the propriety of suspending the Ratification of the Treaty, even although the American Envoy had not at first announced, in the name of his Government, and subsequently required of that of Spain, a Declaration which tended directly to annul one of its most clear, precise, and conclusive, Articles, even after the Signature and Ratification of the Treaty.

The King, my Master, influenced by considerations so powerful as to carry with them the fullest evidence, has, therefore, judged it necessary and indispensable, in the exercise of his duties as a Sovereign, to request certain explanations of your Government; and he has, in consequence, given me his Commands to propose to it the following points; in the discussion and final arrangement of which, it seems proper that the relative state of the 2 Nations should be taken into full consideration:

That The United States, taking into due consideration the scandalous system of Piracy established in, and carried on from, several of their Ports, will adopt measures, satisfactory and effectual, to repress the barbarous excesses, and unexampled depredations, daily committed upon Spain, her possessions, and properties; so as to satisfy what is due to international rights, and is equally claimed by the honor of the American People:

That, in order to put a total stop to any future armaments, and to prevent all aid whatsoever being afforded from any part of the Union, which may be intended to be directed against, and employed in the invasion of, His Catholic Majesty's Possessions in North America, The United States will agree to offer a pledge (*à dar una seguridad*) that their integrity shall be respected:

And, finally, that they will form no relations with the pretended Governments of the revolted Provinces of Spain, situate beyond Sea, and will conform to the course of proceeding adopted, in this respect, by other Powers in amity with Spain.

In submitting to you these just and natural demands, I have received the Orders of the King, my Master, to make known to the

President that they would have been regularly communicated to the Minister Plenipotentiary of The United States at Madrid, if, in the excess of his zeal, he had not, at an early period, been induced to express himself in terms disrespectful to the dignity of His Majesty; and I am, at the same time, commanded to give the assurance that, in alluding to an incident of so unpleasant a nature, it is not intended to make the conduct of Mr. Forsyth a subject of complaint, but merely to make your Government fully acquainted with the motives of my August Sovereign, in adopting the resolution as already stated.

I flatter myself that the President, on an attentive examination of the contents of this Note, entirely dictated by sentiments of justice, will see a decisive evidence of the sincere desire of the King, my Master, to attain with promptitude the definitive settlement of a transaction, no less important in itself, than it is essential to the mutual interests of the 2 Countries.

I eagerly avail myself of this occasion, &c.

The Hon. John Quincy Adams. FRANCISCO DIONISIO VIVES.

No. 5.—Mr. Adams to General Vives.

SIR, *Department of State, Washington, 18th April, 1820.*

BEFORE replying to the Letter which I have had the honor of receiving from you, dated the 14th instant, I am directed by the President of The United States to request a Copy of your Full Powers; and to be informed whether you are the bearer of the Ratification, by His Catholic Majesty, of the Treaty signed on the 22nd of February, 1819, by Don Luis de Onis; and are ready, in the event of suitable explanations being given upon the points mentioned in your Letter, to exchange the same for the Ratification on the part of The United States, if the Senate should advise and consent that such exchange of Ratifications should now be accepted.

Please to accept the assurance, &c.

H. E. Genl. Don F. D. Vives. JOHN QUINCY ADAMS.

No. 6.—General Vives to Mr. Adams.—(Translation.)

SIR, *Washington, 19th April, 1820.*

IN answer to your Note of yesterday's date, and in compliance with the request stated in its first point, I have the honor to enclose a Copy of my Full Powers.

I have, at the same time, to inform you that I am not the bearer of the Ratification of the Treaty of the 22d of February, 1819, signed by Don Luis de Onis; nor does it seem agreeable to the natural course of things, and to established usage, that a Treaty should be ratified previous to a removal of the obstacles which have expressly caused

the suspension of its Ratification. But I am enabled to assure you that I am fully authorized to offer a solemn promise, in the name of the King, my Master, that, if the result of the proposals presented in my first Note be satisfactory, the Ratification of the Treaty will be attended with no further delay than the time indispensably necessary for the arrival at Madrid of one of the Gentlemen attached to my Legation, who has accompanied me for that especial purpose.

I renew to you, Sir, the assurance, &c.

The Hon. John Quincy Adams. FRANCISCO DIONISIO VIVES.

No. 7.—Full Power of General Vives.—(Translation.)

DON Ferdinand the VIIth, by the Grace of God, King of Castile, Leon and Arragon, of the 2 Sicilies, Jerusalem, Navarre, Grenada, Toledo, Valencia, Galicia, Majorca, Seville, Sardinia, Cordova, Corsica, Murcia, Jaen, the Algarves, Gibraltar, the Canary Islands, of both Indies, and of the Isles of the Ocean; Archduke of Austria, Duke of Burgundy, Brabant, and Milan; Count of Hapsburg, Flanders, Tirol, and Barcelona; Lord of Biscay, and of Molina, &c. &c. &c.

The state of peace, amity, and good understanding, now happily subsisting between us and the United States of North America, being favorable to the mutual and amicable adjustment and settlement of all existing differences between the 2 Governments; and it being expedient, to that end, to authorise a Person, having our confidence, and possessed of the requisite information, experience, and political knowledge, for so important a trust: which qualities uniting in you, Don Francisco Dionisio Vives, a Major-General in our Service, a Knight of the Royal and Military Order of St. Ferdinand, and Member of the Supreme Council of the said Order; a Knight of the Royal and Military Order of Saint Hermenegildo; twice honoured by Decrees of thanks for public services; decorated with the Order of the North Star, and Crosses of Honor, for distinguished conduct and valor at the Battles of Albuera, Sorauren, Lugo, Tames, and Medina del Campo, the surrender of Villa Franca del Vierzo, in the operations of the Army of the left, at the Sieges of Pampeluna and Bayonne; and our Envoy Extraordinary and Minister Plenipotentiary to the above named States.

We have authorized, and by these Presents we do authorize, you, granting you Full Power, in the most ample form, to meet and confer with such Person or Persons as may be duly authorized by the Government of The United States; and with him or them to settle, conclude, and sign, whatsoever you may judge necessary to the best arrangement of all points depending between the 2 Governments; promising, as we do hereby promise, upon the faith and word of a

King, to approve, ratify, and fulfil, such Articles or Agreements as you may conclude and sign.

In testimony whereof, I have commanded the Present to be issued, signed by us, sealed with our Privy Seal, and countersigned by the Undersigned, our Principal Secretary of State and of Universal Despatch.

Given at Madrid, the 15th of December, 1819.

I, THE KING.

JOAQUIM JOSÉ MELGAREJO DE RUIZ DAVALOS.

No. 8.—*Mr. Adams to General Vives.*

SIR, *Department of State, Washington, 21st April, 1820.*

I AM directed by the President of The United States to express to you the surprise and concern with which he has learnt that you are not the bearer of the Ratification, by His Catholic Majesty, of the Treaty signed on the 22d February, 1819, by Don Luis de Onís, by virtue of a Full Power, equally comprehensive with that which you have now produced. A Full Power, by which His Catholic Majesty promised, "on the faith and word of a King, to approve, ratify, and fulfil, whatsoever might be stipulated and signed by him."

By the universal usage of Nations, nothing can release a Sovereign from the obligation of a promise thus made, except the proof that his Minister, so empowered, has been faithless to his trust, by transcending his Instructions.

Your Sovereign has not proved, nor even alleged, that M. de Onís had transcended his Instructions; on the contrary, with the Credential Letter which you have delivered, the President has learnt that he has been relieved from the Mission to The United States, only to receive a new proof of the continued confidence of His Catholic Majesty, in the appointment to another Mission, of equal dignity and importance.

On the faith of this promise of the King, the Treaty was signed and ratified on the part of The United States; and it contained a stipulation that it should also be ratified by His Catholic Majesty, so that the Ratifications should, within 6 months from the date of its signature, be exchanged.

In withholding his promised Ratification beyond the stipulated period, His Catholic Majesty made known to the President that he should forthwith despatch a Person, possessing entirely his confidence, to ask certain *explanations* which were deemed by him necessary, previous to the performance of his promise to execute the Ratification.

The Minister of The United States at Madrid was enabled, and offered, to give all the *explanations* which could justly be required in relation to the Treaty. Your Government declined even to make

known to him their character; and they are now, after the lapse of more than a year, first officially disclosed by you.

I am directed by the President to inform you, that explanations which ought to be satisfactory to your Government, will readily be given upon all the points mentioned in your Letter of the 14th inst.; but that he considers none of them, in the present state of the relations between the 2 Countries, as points for *discussion*. It is indispensable that, before entering into any new Negotiation between The United States and Spain, that relating to the Treaty already signed should be closed. If, upon receiving the *explanations* which your Government has asked, and which I am prepared to give, you are authorized to issue Orders to the Spanish Officers commanding in Florida to deliver up to those of The United States who may be authorized to receive it, immediate possession of the Province, conformably to the Stipulations of the Treaty, the President, if such shall be the advice and consent of the Senate, will wait (with such possession given) for the Ratification of His Catholic Majesty, till your Messenger shall have time to proceed to Madrid. But if you have no such authority, the President considers it would be at once an unprofitable waste of time, and a course incompatible with the dignity of this Nation, to give explanations which are to lead to no satisfactory result; and to resume a Negotiation, the conclusion of which can no longer be deferred.

Be pleased to accept the assurance, &c.

H. E. Genl. Don F. D. Vives.

JOHN QUINCY ADAMS.

No. 9.—General Vives to Mr. Adams.—(Translation.)

SIR,

Washington, 24th April, 1820.

IN acknowledging the receipt of your Note of the 21st instant, I have the honor to remark, in the first place, that you appear to have misconceived a material part of my Letter of the 14th, by reproducing arguments which have been already sufficiently refuted by my Government. You will, therefore, excuse me from reviving them here, in so far as they relate to the question whether a Sovereign is, or is not, bound to ratify what may have been signed by his Negotiator, it being well known that various instances may be cited of cases in which the Ratification of a Treaty has been justly suspended, without alleging, as the motive for so doing, that the Negotiator had transcended his Powers or Instructions. There may, unquestionably, be other reasons sufficiently valid to exonerate him from the obligation of ratifying, supposing that to have been the case.

It is evident, that the scandalous proceedings of a number of American Citizens, the Decisions of several of the Courts of the Union, and the criminal Expedition set on foot within it for the invasion of His Majesty's Possessions in North America, at the very period when the Ratification was still pending, were diametrically opposite to the most

sacred principles of amity, and to the nature and essence of the Treaty itself. These hostile proceedings were, notwithstanding, tolerated by the Federal Government; and thus the evil was daily aggravated: so that the belief generally prevailed throughout Europe, that the Ratification of the Treaty by Spain, and the acknowledgment of the Independence of her rebellious Trans-Atlantic Colonies, by The United States, would be simultaneous acts. The pretensions advanced by Mr. Forsyth, in relation to the VIIIth Article, were also evidently calculated to render the Treaty illusory. It is, therefore, not possible to assign reasons more powerful, or more completely justificatory of the sovereign resolution of the King, my Master, to suspend his Ratification of that Instrument.

In my first Note, I also hinted at the offensive terms employed by the American Minister at Madrid, from the very outset, which you notice no further than by taking up the second point upon which the one, which I now have the honor to contest, essentially turns. Although His Majesty might certainly have kept aloof from a deportment so void of moderation, and so derogatory to his dignity, it is obvious that any discussions, commenced with the Minister so situated, were only likely to produce unprofitable results, his Correspondence tending more powerfully to disunite than to reconcile the contracting Parties. It was, indeed, a subject of great regret, that the incident just referred to—the distance of Spain from the New World, which, from the obstructions to correspondence, produced unavoidable delay in receiving correct information of the events passing here, and which, to His Majesty, appeared incredible—and, in fine, his wish to avoid whatever had the appearance of an unfounded complaint, and an unpleasant difference between the 2 Governments, should have retarded my arrival, and the happy conclusion of the transaction now pending.

I have further to state to you, that I am not authorised by His Majesty to give the necessary orders to the Spanish Authorities in the Floridas to deliver up those Possessions to The United States; nor was this to be presumed, since, if it appeared contrary to the natural order of things, and to established usage, that the Treaty should be ratified previous to receiving the explanations which necessitated its suspension, it would consequently seem the more so, that it should receive its due accomplishment before it was finally ratified.

It is with equal surprise and concern that I observe, in the conclusion of your Note, that you intimate the intention to decline any discussion of my Proposals, *previous* to the possession of the Floridas; since it appears to me, that such discussion could not be long, in the event of your Government being ready to accede to them; (in which case, I repeat, that I am authorised solemnly to promise, in the name of His Majesty, that the Ratification of the Treaty shall be no longer

delayed) nor, that the delay, unavoidably produced by that particular cause, in the occupation of the Territories in question, could be considered as derogatory to the dignity of The United States; and the more so, as, until then, His Catholic Majesty would not be in the full possession of his Rights.

I flatter myself that, on a consideration of the contents of this Note, you will favor me with an answer more agreeable to my wishes. In the mean time, I reiterate the assurance, &c.

The Hon. John Quincy Adams. FRANCISCO DIONISIO VIVES.

No. 10.—Mr. Adams to General Vives.

SIR, *Department of State, Washington, 3d May, 1820.*

THE explanations upon the points mentioned in your Letter of the 14th ultimo, which I have had the honor of giving you at large in the Conference between us on Saturday last, and the frankness of the assurances which I had the pleasure of receiving from you, of your conviction that they would prove satisfactory to your Government, will relieve me from the necessity of recurring to circumstances which might tend to irritating discussions. In the confident expectation that, upon the arrival of your Messenger at Madrid, His Catholic Majesty will give his immediate Ratification to the Treaty of the 22d of February, 1819, I readily forbear all reference to the delays which have hitherto retarded that event, and all disquisition upon the perfect right which The United States have had to that Ratification.

I am now instructed to repeat the assurance which has already been given you, that the representations which appear to have been made to your Government of a system of hostility, in various parts of this Union, against the Spanish Dominions and the Property of Spanish Subjects,—of Decisions marked with such hostility by *any* of the Courts of The United States, and of the toleration, in any case of it, by this Government, are unfounded. In the existing unfortunate Civil War, between Spain and the South American Provinces, The United States have constantly avowed, and faithfully maintained, an impartial Neutrality. No violation of that Neutrality, by any Citizen of The United States, has ever received sanction or countenance from this Government. Whenever the Laws previously enacted for the preservation of Neutrality have been found, by experience, in any manner defective, they have been strengthened by new provisions, and severe penalties. Spanish Property illegally captured, has been constantly restored by the Decisions of the Tribunals of The United States; nor has the *life itself* been spared of Individuals guilty of Piracy, committed upon Spanish Property on the High Seas.

Should the Treaty be ratified by Spain, and the Ratification be accepted, by and with the advice and consent of the Senate, the Boundary Line, recognized by it, will be respected by The United

States, and due care will be taken to prevent any transgression of it; no new Law or Engagement will be necessary for that purpose. The existing Laws are adequate to the suppression of such disorders, and they will be, as they have been, faithfully carried into effect. The miserable disorderly movement of a number, not exceeding 70, lawless individual stragglers, who never assembled within the jurisdiction of The United States, into a Territory to which His Catholic Majesty has no acknowledged right, other than the yet unratified Treaty, was so far from receiving countenance or support from the Government of The United States, that every measure, necessary for its suppression, was promptly taken under their authority; and from the misrepresentations which have been made of this very insignificant transaction to the Spanish Government, there is reason to believe that the pretended Expedition itself, as well as the gross exaggerations which have been used to swell its importance, proceed from the same sources, equally unfriendly to The United States and to Spain.

As a necessary consequence of the Neutrality between Spain and the South American Provinces, The United States can contract no engagement, not to form any relations with those Provinces. This has explicitly and repeatedly been avowed and made known to your Government both at Madrid and at this place. The demand was resisted both in Conference and written Correspondence, between Mr. Erving and M. Pizarro. M. de Onis had long and constantly been informed, that a persistence in it would put an end to the possible conclusion of any Treaty whatever. Your Sovereign will perceive, that, as such an engagement cannot be contracted by The United States consistently with their obligations of Neutrality, it cannot be justly required of them; nor have any of the European Nations ever bound themselves to Spain by such an engagement.

With regard to your *proposals*, it is proper to observe, that His Catholic Majesty, in announcing his purpose of asking *explanations* of The United States, gave no intimation of an intention to require new Articles to the Treaty. You are aware that The United States cannot, consistently with what is due to themselves, stipulate new engagements as the price of obtaining the Ratification of the old. The declaration which Mr. Forsyth was instructed to deliver at the exchange of the Ratifications of the Treaty, with regard to the VIIIth Article, was not intended to annul, or in the slightest degree to alter or impair, the stipulations of that Article; its only object was to guard your Government, and all Persons who might have had an interest in any of the annulled Grants, against the possible expectation or pretence that those Grants would be *made valid* by the Treaty. All Grants subsequent to the 24th of January, 1818, were declared to be positively null and void; and M. de Onis always declared, that he signed the Treaty, fully *believing*, that the Grants to the Duke of Alagon, Count Punon

Rostro, and M. Vargas, were subsequent to that date. But he had, in his Letter to me of the 16th of November, 1818, declared, that those Grants were null and void, because the essential conditions of the Grants had not been fulfilled by the Grantees. It was distinctly understood by us both, that no Grant, of whatever date, should be made valid by the Treaty, which would not have been valid by the Laws of Spain and the Indies, if the Treaty had not been made. It was therefore stipulated, that Grants, prior to the 24th of January, 1818, should be confirmed, only "to the same extent that the same Grants would be valid, if the Territories had remained under the dominion of His Catholic Majesty." This, of course, excluded the 3 Grants above mentioned, which M. de Onis had declared invalid, for want of the fulfilment of their essential conditions; a fact which is now explicitly admitted by you. A single exception to the principle, that the Treaty should give no confirmation to any imperfect title, was admitted; which exception was, that Owners in *possession of Lands*, who, by reason of the recent circumstances of the Spanish Nation, and the Revolutions in Europe, had been *prevented* from fulfilling *all* the conditions of their Grants, should *complete* them within the terms limited in the same from the date of the Treaty; this had obviously no reference to the above mentioned Grants, the Grantees of which were not in possession of the Lands, who had fulfilled *none* of their conditions, and who had not been *prevented* from fulfilling any of them by the circumstances of Spain, or the Revolutions of Europe. The Article was drawn up by me, and, before assenting to it, M. de Onis inquired what was understood by me as the import of the terms "shall complete them." I told him, that, in connexion with the terms "all the conditions," they necessarily implied, that the indulgence would be limited to Grantees who had performed *some* of the conditions, and who had commenced Settlements, which it would allow them to complete. These were precisely the cases for which M. de Onis had urged the equity of making a provision, and he agreed to the Article, fully understanding that it would be applicable only to them. When, after the signature of the Treaty, there appeared to be some reason for supposing that M. de Onis had been mistaken in believing that the Grants to the Duke of Alagon, Count Punon Rostro, and M. Vargas, were subsequent to the 24th of January, 1818, candor required that Spain and the Grantees should never have a shadow of ground to expect or allege that this circumstance was at all material, in relation to the bearing of the Treaty upon those Grants. M. de Onis had not been mistaken in declaring that they were invalid, because their conditions were not fulfilled. He had not been mistaken in agreeing to the principle, that no Grant, invalid as to Spain, should, by the Treaty, be made valid against The United States. He had not been mistaken in the knowledge that those Grantees had neither commenced Settlements, nor been prevented from

completing them by the circumstances of Spain, or the Revolutions in Europe. The Declaration which Mr. Forsyth was instructed to deliver, was merely to caution all whom it might concern not to infer, from an unimportant mistake of M. de Onis as to the date of the Grants, other important mistakes which he had not made, and which The United States would not permit to be made by any one. It was not, therefore, to annul or to alter, but to fulfil the VIIIth Article as it stands, that the Declaration was to be delivered; and it is for the same purpose that this explanation is now given. It was with much satisfaction, therefore, that I learned from you the determination of your Government to assent to the total nullity of the above-mentioned Grants.

As I flatter myself that these explanations will remove every obstacle to the Ratification of the Treaty by His Catholic Majesty, it is much to be regretted that you have not that Ratification to exchange, nor the power to give a pledge which would be equivalent to the Ratification. The 6 months, within which the exchange of the Ratifications were stipulated by the Treaty, having elapsed, by the principles of our Constitution, the question, whether it shall now be accepted, must be laid before the Senate for their advice and consent. To give a last and signal proof of the earnest wish of this Government, to bring to a conclusion these long standing and unhappy differences with Spain, the President will so far receive that solemn promise of immediate Ratification, upon the arrival of your Messenger at Madrid, which, in your Note of the 19th ult. you declare yourself authorized, in the name of your Sovereign, to give, as to submit to the Senate of The United States, whether they will advise and consent to accept it, for the Ratification of The United States heretofore given.

But, it is proper to apprise you, that if this offer is not accepted, The United States, besides being entitled to resume all the rights, claims, and pretensions, which they had renounced by the Treaty, can no longer consent to relinquish their Claims of Indemnity, and those of their Citizens, from Spain, for all the injuries which they have suffered and are suffering, by the delay of His Catholic Majesty to ratify the Treaty. The amount of Claims of the Citizens of The United States, which existed at the time when the Treaty was signed, far exceeded that which The United States consented to accept as indemnity. Their right of Territory was, and yet is, to the Rio del Norte. I am instructed to declare, that, if any further delay to the Ratification, by His Catholic Majesty, of the Treaty, should occur, The United States could not hereafter accept, either of 5,000,000 dollars, for the indemnities due to their Citizens by Spain, nor of the Sabine for the Boundary between The United States and the Spanish Territories.

Please to accept the renewed assurance, &c.

H. E. Genl. Don F. D. Vives.

JOHN QUINCY ADAMS.

No. 11.—*General Vives to Mr. Adams.*—(Translation.)

SIR,

Washington, 5th May, 1820.

IN answer to your Note of the 3d instant, and in pursuance of what I expressed to you in both our late Conferences, I have to state to you that I am satisfied upon the first point of the proposals contained in my Note of the 14th ultimo; and am persuaded that, if the existing Laws, enacted for the suppression of Piracy, should prove inadequate, more effectual measures will be adopted by your Government for the attainment of that important object.

I also admit, as satisfactory, the Answer given to the second point, but I cannot assent to your assertion that the Laws of this Country have always been competent to the prevention of the excesses complained of; it being quite notorious that the Expedition alluded to has not been the only one set on foot for the invasion of His Majesty's Dominions; and it is, therefore, not surprising that the King, my Lord, should give credit to the information received in relation to that Expedition, or that he should now require of your Government a pledge that the integrity of the Spanish Possessions in North America shall be respected.

I mentioned to you in Conference, and I now repeat it, that the Answer to the 3d point was not such as I could, agreeably to the nature of my Instructions, accept, as being satisfactory; and that, although His Majesty might not have required of any of the European Governments the Declaration which he has required of yours, yet that ought not to be considered as unreasonable; it being well known to the King, my Master, that those Governments, so far from being disposed to wish to recognize the Insurgent Governments of the Spanish Colonies, had declined the invitation intimated to them some time past by your's, to acknowledge the pretended Republic of Buenos Ayres. I, notwithstanding, renew to you the assurance that I will submit to His Majesty the verbal discussion we have had upon this point, and accompany it with such additional arguments as will, in my judgment, probably determine His Majesty to declare himself to be satisfied therewith.

In the event of the King's receiving, as satisfactory, the Answer of your Government to the third point of my proposals, the abrogation of the Grants will be attended with no difficulty; nor has that ever been the chief motive for suspending the Ratification of the Treaty; for the thorough comprehension of which I waive at present any reply to the remarks which you are pleased to offer on that topic. I cannot, however, refrain from stating to you, that, in discussing with you the validity or the nullity of the Grants above-mentioned, I merely said "that, in my private opinion, they were null and void, through the *inability* of the Grantees to comply with the terms of the Law."

It is to me a matter of great regret, that I have it not in my power

to repeat the solemn promise that His Majesty will ratify the Treaty; inasmuch as I cannot, agreeably to my Instructions, accept as satisfactory the Answer given to the third point of my proposals. I am, however, persuaded, that His Majesty, upon consideration of the Representation which I shall have the honor to lay before him, and of the reasons assigned by your Government for withholding its assent to the third point, will consider himself as satisfied, and ratify the Treaty.

I further conceive it my duty to state to you that, at the time when I communicated to your Government the substance of my present Answer, I mentioned, speaking in my individual capacity, that although I had no official information of it, yet I consider as authentic the current intelligence of an important change, said to have taken place in the Government of Spain; and that this circumstance alone would impose on me the obligation of giving no greater latitude to my promise, previous to my receiving new Instructions.

I therefore hope that your Government, upon consideration of what I have now submitted to you, and of the contents of my former Notes, will agree to await the final decision of the King, my Master, upon the only point still pending, and the adjustment of which is not within my competency; so that the past differences may be satisfactorily terminated, and the Treaty receive its final accomplishment; thereby securing and perpetuating a perfect harmony and good understanding between the 2 Governments.

Be pleased to accept the assurances, &c.

The Hon. John Quincy Adams. FRANCISCO DIONISIO VIVES.

No. 12.—*Mr. Adams to General Vives.*

SIR, *Department of State, Washington, 6th May, 1820.*

IN the Letter which I have had the honor of receiving from you, dated yesterday, you observe that you renew the assurance that you will submit to His Majesty, *the verbal discussion we have had* on the third point, concerning which you were instructed to ask for explanations. I have to request of you to state specifically the representations which you propose to make to His Majesty, of what passed between us in Conference on this subject.

I pray you to accept the renewed assurance, &c.

H. E. Genl. Don F. D. Vives. JOHN QUINCY ADAMS.

No. 13.—*General Vives to Mr. Adams.*—(Translation.)

SIR, *Washington, 7th May, 1820.*

I HAVE received the Note you were pleased to address to me of yesterday's date, and, in answer thereto, I have to state, that the

verbal discussion between us upon the third point of my proposals, is comprized in your Note of the 3d, and in my Reply of the 5th inst.; and that, consequently, the statement of it which I shall transmit for His Majesty's information, will be in strict accordance with the tenor of the said Notes. I renew to you the assurance, &c.

The Hon. John Quincy Adams. FRANCISCO DIONISIO VIVES.

No. 14.—Mr. Adams to General Vives.

SIR, *Department of State, Washington, 8th May, 1820.*

IN the Letter which I had the honor of writing you on the 3d instant, it was observed, that all reference would readily be waived to the delays which have retarded the Ratification by His Catholic Majesty, of the Treaty of the 22d of February, 1819, and all disquisition upon the perfect right of The United States to that Ratification; in the confident expectation that it would be immediately given upon the arrival of your Messenger at Madrid, and subject to your compliance with the proposal offered you in the same Note, as the last proof which the President could give of his reliance upon the termination of the differences between The United States and Spain, by the Ratification of the Treaty.

This proposal was, that, upon the explanations given you on all the points noticed in your Instructions, and with which you had admitted yourself to be personally satisfied, you should give the solemn promise, in the name of your Sovereign, which, by your Note of the 19th ultimo, you had declared yourself authorized to pledge; that the Ratification should be given immediately upon the arrival of your Messenger at Madrid, which promise, the President consented so far to receive, as to submit the question for the advice and consent of the Senate of The United States, whether the Ratification of Spain should, under these circumstances, be accepted in exchange for that of The United States heretofore given. But, the President has, with great regret, perceived, by your Note of the 5th instant, that you decline giving even that unconditional promise, upon two allegations; one, that although the explanations given you on one of the points mentioned in your Note of the 14th ultimo, are satisfactory to yourself, and you hope and believe will prove so to your Sovereign, they still were not such as you were authorized by your Instructions to accept; and the other, that you are informed a great change has recently occurred in the Government of Spain, which circumstance *alone* would prevent you from giving a further latitude to your promise, previous to your receiving new Instructions.

It becomes, therefore, indispensably necessary to show the absolute obligation by which His Catholic Majesty was bound to ratify the

Treaty, within the term stipulated by one of its Articles, that the reasons alleged for his withholding the Ratification are altogether insufficient for the justification of that measure, and that The United States have suffered by it the violation of a perfect right, for which they are justly entitled to indemnity and satisfaction; a right further corroborated by the consideration that the refusal of Ratification necessarily included the non-fulfilment of another Compact between the Parties, which had been ratified — the Convention of August, 1802.

While regretting the necessity of producing this proof, I willingly repeat the expression of my satisfaction at being relieved from that of enlarging upon other topics of an unpleasant character. I shall allude to none of those, upon which you have admitted the explanations given to be satisfactory, considering them as no longer subjects of discussion between us or our Governments. I shall with pleasure forbear noticing any remarks in your Notes concerning them, which might otherwise require animadversion.

With the view of *confining* this Letter to the only point upon which further observation is necessary, it will be proper to state the present aspect of the relations between the Contracting Parties.

The Treaty of the 22d of February, 1819, was signed after a succession of Negotiations of nearly 20 years' duration, in which all the causes of difference between the 2 Nations had been thoroughly discussed; and with a final admission on the part of Spain, that there were existing just Claims on her Government, at least to the amount of 5,000,000 dollars, due to Citizens of The United States, and for the payment of which provision was made by the Treaty. It was signed by a Minister, who had been several years residing in The United States, in constant and unremitting exertions to maintain the interests and pretensions of Spain involved in the Negotiation;—signed after producing a Full Power, by which, in terms as solemn and as sacred as the hand of a Sovereign can subscribe, His Catholic Majesty had promised to approve, ratify, and fulfil, whatever should be stipulated and signed by him.

You will permit me to repeat, that, by every principle of natural right, and by the universal assent of civilized Nations, nothing can release the *honor* of a Sovereign from the obligation of a promise thus unqualified, without the proof that his Minister has signed stipulations unwarranted by his Instructions. The express authority of 2 of the most eminent Writers upon National Law, to this point, were cited in Mr. Forsyth's Letter of the 2d of October, 1819, to the Duke of San Fernando. The words of Vattel are "But to refuse, with honor, to ratify that which has been concluded in virtue of a Full Power, the Sovereign must have strong and solid reasons for it; *and particularly*

he must shew that his Minister transcended his Instructions."* The words of Martens are : " Every thing that has been stipulated by an Agent, in conformity to his Full Powers, ought to become obligatory for the State from the moment of signing, without ever waiting for the Ratification. However, not to expose a State to the errors of a single Person, it is now become a general maxim, that the Public Conventions do not become obligatory, until ratified. The motive of this custom clearly proves that the Ratification can never be refused with justice, except when he who is charged with the Negotiation, keeping within compass with respect to his Public Full Powers, has gone beyond his Secret Instructions, and consequently rendered himself liable to punishment ; or when the other Party refuses to ratify." In your Letter of the 24th ultimo, you observe that these positions have already been refuted by your Government, which makes it necessary to inquire, as I, with great reluctance, do, how they have been refuted ?

The Duke of San Fernando, in his Reply to this Letter of Mr. Forsyth, says, maintains, and repeats, " that the very Authorities cited by Mr. Forsyth, literally declare, that the Sovereign, for strong and solid reasons, *or*, if his Minister has exceeded his Instructions, may refuse his Ratification. [Vattel, Book 2, Chap. 12.] and that Public Treaties are not obligatory until ratified." [Martens, Book 2, Chap. 1. § 3. see note.]† In these citations, the Duke of San Fernando has substituted for the connective term *and* in Vattel, which makes the proof of Instructions transcended indispensable to justify the refusal of Ratification, the disjunctive term *or*, which presents it as an alternative, and unnecessary, on the contingency of other existing strong and solid reasons. Vattel says the Sovereign must have strong and solid reasons, *and particularly* must show that the Minister transcended his Instructions. The Duke of San Fernando makes him say, the Sovereign must have strong and solid reasons, *or if* his Minister has exceeded his Instructions. Vattel not only makes the breach of Instructions indispensable, but puts upon the Sovereign the obligation of

* " Mais pour refuser avec honneur de ratifier ce qui a été conclu en vertu d'un Plein-pouvoir, il faut que le Souverain en ait de fortes et solides raisons, et qu'il fasse voir, en particulier, que son Ministre s'est écarté de ses Instructions." *Vattel, Liv. 2. Ch. 12. § 156.*

† " Ce qui a été stipulé par un Subalterne, en conformité de son Plein-pouvoir devient à la rigueur obligatoire pour la Nation du moment même de la Signature sans que la Ratification soit nécessaire. Cependant pour ne pas abandonner le sort des Etats aux erreurs d'un seul, il a été introduit, par un usage, généralement reconnu, que les Conventions publiques ne deviennent obligatoires, que lorsqu'elles ont été ratifiées. Le motif de cet usage indique assez qu'on ne peut y provoquer avec justice, que lorsque celui qui est chargé des Affaires de l'Etat, en se tenant dans les bornes de son Plein-pouvoir public, a franchi celle de ses Instructions secrètes, et que par conséquent il s'est rendu punissable." *Martens, Liv. 2. Ch. 1, § 3.*

proving it. The Duke of San Fernando cites Vattel, not only as admitting that other reasons, without a breach of Instructions, may justify a refusal of Ratification, but that the mere fact of such a breach would also justify the refusal, without requiring that the Sovereign alleging should prove it.

Is this refutation ?

The only observation that I shall permit myself upon it, is to mark how conclusive the authority of the passage in Vattel must have been to the mind of him, who thus transformed it to the purpose for which he was contending. The citation from Martens receives the same treatment. The Duke of San Fernando takes by itself a part of a sentence, "that Public Treaties are not obligatory until ratified." He omits the preceding sentence, by which Martens asserts, that a Treaty, signed in conformity to Full Powers, is in rigour obligatory from the moment of signature, without waiting for the Ratification. He omits the part of the sentence cited which ascribes the necessity of a Ratification to an usage founded upon the danger of exposing a State to the errors of its Minister. He omits the following sentence which explicitly asserts that this usage can never be resorted to, in justification of a refusal to ratify, unless when the Minister has exceeded his secret Instructions; and thus, with this half of a sentence, stripped of all its qualifying context, the Duke brings Martens to assert that which he most explicitly denies.

Is this refutation ?

While upon this subject, permit me to refer you to another passage of Vattel, which I the more readily cite, because, independent of its weight as authority, it places this obligation of Sovereigns upon its immoveable foundation of eternal justice in the law of nature. "It is shown by the law of nature, that he who has made a promise to any one, has conferred upon him a true right to require the thing promised; and that, consequently, not to keep a perfect promise, is to violate the right of another; and is as manifest an injustice, as that of depriving a person of his property. All the tranquillity, the happiness, and security, of the human race, rest on justice, on the obligation of paying a regard to the rights of others. The respect of others for our right of domain and property constitutes the security of our actual possessions. The faith of promises is our security for the things that cannot be delivered or executed on the spot. There would be no more security, no longer any commerce between mankind, did they not believe themselves obliged to preserve their faith and keep their word. This obligation is then as necessary, as it is natural and indubitable, between the Nations that live together in a state of nature, and acknowledge no superior upon earth, to maintain order and peace in their society. Nations and their conductors ought then to keep their promises and their Treaties inviolable. This great truth,

*though too often neglected in practice, is generally acknowledged by all Nations.**

The melancholy allusion to the frequent practical neglect of this unquestionable principle, would afford a sufficient reply to your assertion that the Ratification of Treaties has often been refused, though signed by Ministers with unqualified Full Powers, and without breach of their Instructions. No case can be cited by you in which such a refusal has been justly given; and the fact of refusal, separate from the justice of the case, amounts to no more than the assertion that Sovereigns have often violated their engagements and their duties: the obligation of His Catholic Majesty to ratify the Treaty signed by M. de Onís is therefore complete.

The XVIth and last Article of this Treaty is in the following words: "The present Treaty *shall be ratified*, in due form, by the Contracting Parties, and the Ratifications shall be exchanged in 6 months from this time, *or sooner, if possible.*" On the faith of His Catholic Majesty's promise, the Treaty was, immediately after its signature, ratified, on the part of The United States, and, on the 18th of May following, Mr. Forsyth, by an Official Note, informed the Marquis of Casa Yrujo, then Minister of Foreign Affairs, at Madrid, that the Treaty, duly ratified by The United States, had been entrusted to him by the President, and that he was prepared to exchange it for the Ratification of Spain. He added that, from the nature of the engagement, it was desirable that the earliest exchange should be made, and that the American Ship of War, *Hornet*, was waiting in the Harbour of Cadiz, destined, in a few days, to The United States, and affording an opportunity, peculiarly convenient, of transmitting the ratified Treaty to The United States.

No Answer having been returned to this Note, on the 4th of June,

* "On démontre en droit naturel, que celui qui promet à quelqu'un, lui confère un véritable droit d'exiger la chose promise; et que, par conséquent, ne point garder une promesse parfaite, c'est violer le droit d'autrui, c'est une injustice aussi manifeste, que celle de dépouiller quelqu'un de son bien. Toute la tranquillité, le bonheur, et la sûreté, du genre humain reposent sur la justice, sur l'obligation de respecter les droits d'autrui. Le respect des autres, pour nos droits de domaine et de propriété, fait la sûreté de nos possessions actuelles; la foi des promesses est notre garant pour les choses qui ne peuvent être livrées ou exécutées sur-le-champ. Plus de sûreté, plus de commerce, entre les hommes s'ils ne se croient point obligés de garder la foi, de tenir leur parole. Cette obligation est donc aussi nécessaire, qu'elle est naturelle et indubitable, entre les Nations qui vivent ensemble dans l'état de nature, et qui ne connaissent point de supérieur sur la terre, pour maintenir l'ordre et la paix dans leur société. Les Nations et leurs conducteurs doivent donc garder inviolablement leurs promesses, et leurs Traités. Cette grande vérité, quoique trop souvent négligée dans la pratique, est généralement reconnue de toutes les Nations.

Vattel, Liv. 2. Ch. 12. § 163.

Mr. Forsyth addressed to the same Minister, a second ; urging, in the most respectful terms, the necessity of the departure of the *Hornet*, the just expectation of The United States that the ratified Treaty would be transmitted by that Vessel, and the disappointment which could not fail to ensue should she return without it.

After 15 days of further delay, on the 19th of June, Mr. Forsyth was informed, by a Note from M. Salmon, Successor to the Marquis of Casa Yrujo, that "His Majesty, on reflecting on the great importance and interest of the Treaty in question, was under the indispensable necessity of *examining* it with the greatest caution and deliberation before he proceeded to ratify it, and that this was *all* he was enabled to communicate to Mr. Forsyth on that point."

Thus, after the lapse of more than a month from the time of Mr. Forsyth's first Note, and of more than 2 months from the time when your Government had received the Treaty, with knowledge that it had been ratified by The United States, the Ratification of a Treaty which His Catholic Majesty had solemnly promised, so that it might be exchanged within 6 months from the date of its signature, *or sooner, if possible*, was withheld merely to give time to His Catholic Majesty to *examine* it ; and this Treaty was the result of a 20 years' Negotiation, in which every Article and subject contained in it had been debated and sifted to the utmost satiety between the parties, both at Washington and Madrid,—a Treaty, in which the stipulations by the Spanish Minister had been sanctioned by successive references of every point, to his own Government, and were, by the formal admission of your own Note, fully within the compass of his Instructions.

If, under the feeling of such a procedure on the part of the Spanish Government, the Minister of The United States appealed to the just rights of his Country in expressions suited more to the sense of its wrongs, than to the courtesies of European Diplomacy ; nothing had till then occurred which could have restrained your Government from asking of him any explanation which could be necessary for fixing its determination upon the Ratification : no explanation was asked of him.

Nearly 2 months afterwards, on the 10th of August, Mr. Forsyth was informed, that the King would not come to a final decision upon the Ratification, without previously entering into several *explanations* with the Government of The United States, to some of which that Government had given rise, and that His Majesty had charged a Person possessed of his full confidence, who would *forthwith* make known to The United States His Majesty's intentions. Mr. Forsyth offered himself to give every explanation which could be justly required ; but your Government declined receiving them from him, assigning to him the shortness of the time ; a reason altogether different from that which you now allege, of the disrespectful character of his Communications.

From the 10th of August till the 14th of the last month, a period of more than 8 months passed over, during which no information was given by your Government of the nature of the explanations which would be required. The Government of The United States, by a forbearance perhaps unexampled in human history, has patiently waited for your arrival, always ready to give, in candour and sincerity, every explanation that could, with any propriety, be demanded. What, then, must have been the sentiments of the President, upon finding, by your Note of the 14th ultimo, that, instead of *explanations*, His Catholic Majesty has instructed you to demand the Negotiation of another Treaty, and to call upon The United States for Stipulations derogatory to their honor, and incompatible with their duties as an independent Nation? What must be the feelings of this Nation to learn that, when called upon to state whether you were the Bearer of His Catholic Majesty's Ratification of the Treaty, to be exchanged upon the explanations demanded being given, you explicitly answered, that you were *not*? and, when required to say whether you are authorized, as a substitute for the Ratification, to give the pledge of immediate possession of the Territory, from which the acknowledged just claims of the Citizens of The United States were stipulated to be indemnified, you still answer that you are *not*; but refer us back to a solemn promise of the King, already pledged before in the Full Power to your Predecessor, and to a Ratification *as soon as possible* already stipulated in vain by the Treaty which he, in full conformity to his Instructions, had signed?

The Ratification of that Treaty can now no longer be accepted by this Government, without the concurrence of a constitutional majority of the Senate of The United States, to whom it must be again referred. Yet even this promise you were, by my Letter of the 3d instant, informed that, rather than abandon the last hope of obtaining the fulfilment of His Catholic Majesty's promise already given, the President would, so far as was constitutionally within his power, yet accept.

The assurances which you had given me, in the first personal conference between us, of your own entire satisfaction with the explanations given you upon *all* the points on which you had been instructed to ask them, would naturally have led to the expectation that the promise which you were authorized to give would, at least, not be withheld. From your Letter of the 5th instant, however, it appears that no discretion has been left you, to pledge even His Majesty's promise of Ratification, in the event of your being yourself satisfied with the explanations upon *all* the points desired. That the only promise you can give is *conditional*, and the condition a point upon which your Government, when they prescribed it, could not but know it was *impossible* that The United States should comply;—a condition incompatible with their independence, their neutrality, their justice, and their honor.

It was, also, a condition which His Catholic Majesty had not the shadow of a *right* to prescribe. The Treaty had been signed by M. de Onis, with a full knowledge that no such engagement as that contemplated by it would ever be acceded to by the American Government, and after long and unwearied efforts to obtain it. The differences between The United States and Spain had no connection with the War between Spain and South America. The object of the Treaty was to settle the Boundaries, and adjust and provide for the Claims between your Nation and our's; and Spain, at no time, could have a right to require that any Stipulation, concerning the Contest between her and her Colonies, should be connected with it. As His Catholic Majesty could not justly require it, during the Negotiation of that Treaty, still less could it afford a justification for withholding his promised Ratification after it was concluded.

The proposal which, at a prior period, had been made by the Government of The United States to some of the principal Powers of Europe, for a recognition, in concert, of the Independence of Buenos Ayres, was founded, as I have observed to you, upon an opinion then, and still entertained, that this recognition must, and would, at no very remote period, be made by Spain herself; that the joint acknowledgment by several of the Principal Powers of the World, at the same time, might probably induce Spain the sooner to accede to that necessity, in which she must ultimately acquiesce, and would thereby hasten an event propitious to her own interests, by terminating a struggle in which she is wasting her strength and resources without a possibility of success; an event ardently to be desired by every friend of humanity, afflicted by the continual horrors of a War, cruel and sanguinary almost beyond example; an event not only desirable to the unhappy People who are suffering the complicated distresses and calamities of this War, but to all the Nations having relations of amity and of commerce with them. This proposal, founded upon such motives, far from giving to Spain the right to claim of The United States an engagement not to recognize the South American Governments, ought to have been considered by Spain as a proof at once of the moderation and discretion of The United States; as evidence of their disposition to discard all selfish or exclusive views in the adoption of a measure which they deemed wise and just in itself, but most likely to prove efficacious by a common adoption of it, in a spirit entirely pacific, in concert with other Nations, rather than by a precipitate resort to it, on the part of The United States, alone.

The conditional promise, therefore, now offered by you, instead of the positive one which you have declared yourself authorised to give, cannot be accepted by the President; and I am constrained to observe, that he can consider the procedure of your Government, in thus providing you with Powers and Instructions utterly inefficient for the *con-*

clusion of the Negotiation with which you are charged, in no other light than as proceeding from a determination, on its part, still to protract and baffle its final successful issue. Under these circumstances, he deems it his duty to submit the Correspondence which has passed between us, since your arrival, to the consideration of the Congress of The United States, to whom it will belong to decide how far The United States can yet, consistently with their duties to themselves, and the rights of their Citizens, authorize the further delay requested in your Note of the 5th instant.

In the conclusion of that Note, you have remarked, alluding to a great change which appears to have taken place, since your departure from Madrid, in the Government of Spain, that this circumstance *alone* would impose on you the obligation of giving *no greater latitude to your promise* previous to your receiving new Instructions. If I have understood you right, your intention is to remark, that this circumstance alone would restrain you, in any event, from giving, without new Instructions, the unconditional promise of Ratification, which, in a former Note, you had declared yourself authorized, in the name of your Sovereign, to give. This seems to be equivalent to a declaration, that you consider your powers themselves, in the extent to which they were entrusted to you, as suspended by the events to which you thus refer. If I am mistaken in taking this as your meaning, will you have the goodness to inform me how far you do consider your powers affected by the present state of your information from Spain?

Please to accept the assurance, &c.

H. E. General Don F. D. Vives.

JOHN QUINCY ADAMS.

No. 15.—*Mr. Gallatin to Mr. Adams.*

SIR,

Paris, 15th February, 1820.

GENERAL VIVES, the new Minister of Spain to The United States, arrived at Paris on the 11th Instant, and left it on the 14th for London, with the intention to embark at Liverpool, in the New York Packet, which will sail on the 1st day of March.

M. Pasquier, after having seen him, invited me to an interview on the 12th, and said, that he was in hopes that the differences might still be adjusted. General Vives had told him, that the principal points with Spain were, that the honor of the Crown should be saved (*mis à couvert*) in the business of the Grants; and to receive satisfactory evidence of our intention to preserve a fair Neutrality in the Colonial War. M. Pasquier had observed to him, that it would be a matter of deep regret, that private interest should prevent the conclusion of such an important arrangement; and that, when it was clear that there had been, at least, a misunderstanding on the subject, the King's dignity could not be injured by a resumption of the Grants; or, by an exchange of other Lands. He seemed to think that this would be ar-

ranged ; and asked me, what I thought we could do respecting the other point ? I answered, that the fullest reliance might be placed on the fairness of our Neutrality ; and that I was really at a loss to know what could be added to the measures The United States had already adopted to enforce it. M. Pasquier gave me to understand, that, if there was any defect, however trifling, in our Laws, and that was amended, it would probably be sufficient to satisfy the pride of Spain, as there now appeared a real desire to ratify, provided it could be done without betraying a glaring inconsistency. He had expressed to General Vives his opinion of the impropriety of asking from The United States any promise not to recognize the Independence of the Insurgent Colonies ; and had told him, that, on that subject, Spain could only rely on the moral effect which a solemn Treaty, accommodating all her differences with The United States, would have on their future proceedings.

I expressed my hope, that the explanations which General Vives was instructed to give on the subject of the Grants, and to ask on that of our Neutrality, might be such as to remove all the existing difficulties. But it was most important that he should arrive in The United States before the adjournment of Congress ; and that he should be the Bearer of the King's Ratification of the Treaty : so that, if every thing was arranged, those Ratifications might be at once exchanged at Washington. If that was not done, the President would have no more security that the King would ratify General Vives' than M. de Onis' acts ; and it was impossible to suppose that he would run the risk of a second disappointment. This observation forcibly struck M. Pasquier, who said, that he would make further inquiries on that point.

I saw, the same evening, the Spanish Ambassador at this Court ; and, in the course of a short conversation, he suggested, that the Grants in dispute might be set aside, the Grantees not having fulfilled certain conditions, or formalities : and, after acknowledging that General Vives was not the Bearer of the King's Ratification, he hinted, that he was authorized to give The United States satisfactory security that Spain would fulfil her engagements.

On the 13th, I dined at the Minister of Foreign Affairs with General Vives, who repeated to me, in substance, what he had said to M. Pasquier. I told him that the President would judge of the explanations he had to give on the subject of the Grants ;—that he might rely on the determination of The United States to preserve their Neutrality ; and, not less on the manner in which the Laws for enforcing it were executed, than on the tenor of those Laws ; which, I observed, were, and always had been, more full and efficient than those of either England or France, on the same subject ;—that I could not say whether the question of recognising the Independence of the Insurgent Colonies would be agitated during the present Session of Congress ; but

that, if it was, the decision would probably have taken place before his arrival.

I then repeated what I had said to M. Pasquier, respecting the importance of his being authorized to exchange the Ratifications of the Treaty. He answered, that, although he was not, he could, in case of an arrangement, give satisfactory security to The United States; and that it would consist in consenting, that they should take immediate possession of Florida without waiting for the Ratification of the Treaty.

General Vives repeated, in the course of the evening, the same thing to M. Pasquier, with whom I had afterwards a short conversation on the subject. He seemed extremely astonished that the Spanish Government should have adopted that course, rather than to authorize their Minister to exchange at once the Ratifications. Since, however, the measure they proposed coincided with the views of the President, as stated in his Message, and would, at all events, prevent a rupture, we both agreed, that no time should be lost in communicating to you General Vives's declarations.

I have the honor to be, &c.

The Hon. John Quincy Adams.

ALBERT GALLATIN.

No. 16.—Mr. Rush to Mr. Adams.

(Extract.)

London, 25th February, 1820.

GENERAL VIVES, despatched by the King of Spain on a Mission to The United States, is now here on his transit to our Country. I have not been able to command the opportunity of an interview with him. It may be more acceptable to the Government to hear what Lord Castlereagh told me, who has seen him. This was, that he did not fail to say to him every thing of a healing nature, as between The United States and Spain. His Lordship added, that he still looked to an accommodation of all the differences with the same wishes as formerly. General Vives, it seems, mentioned to him, that he was not without a hope of producing a conviction, on his arrival at Washington, that, as respects the Grants of Land, about which such difficulties had arisen under the Treaty, M. de Onis had gone too far in his admissions; farther than facts would be found to warrant. I replied, that my Government would listen to what he had to advance on this topic. His Lordship said no more. The General embarks from Liverpool for New York, on the 1st of next Month. He will probably be in the Ship that takes home this Despatch.

The Hon. John Quincy Adams.

RICHARD RUSH.

V.—Message from the President of The United States to Congress.—Washington, May 12, 1820.

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES.

I COMMUNICATE to Congress Translations of Letters from the Minister of Spain to the Secretary of State, received since my Message of the 9th instant.

Washington, 12th May, 1820.

JAMES MONROE.

No. 1.—General Vives to Mr. Adams.

(Translation.)

SIR,

Washington, 9th May, 1820.

IN answer to your Note of yesterday's date, I have, in the first place, to give you the explanation requested of me, of the import of my last proposal; and, in doing so, to repeat, in other words, that I am authorized solemnly to promise to this Government the Ratification of the Treaty by His Majesty, only in case the third point of my proposals be satisfied; but, as the answer given to this point has not been such as I could, agreeably to my Instructions, receive as satisfactory, I can, by no means, commit myself by giving a greater extension to my promise than that expressed in my Note.

My object in intimating to you that, although I knew nothing officially, yet I considered as authentic the information circulating of an important change in the Government of Spain, a circumstance which would, of itself, effectually prevent me from giving greater latitude to my promise, was, to apprise your Government, that, as, by the adoption of the Constitution of 1812 in Spain, the Powers of the King would be limited, it would no longer depend on His Majesty alone to fulfil my solemn promise, admitting that my Instructions had empowered me to give such a promise; so that my sole motive for offering a remark upon that topic was, to strengthen the grounds on which my proposal was founded; and, further, to enable your Government so to appreciate as no longer to decline assenting to it.

I shall, on this occasion, waive all reply to the arguments again advanced by you, *in extenso*, upon the question of His Majesty's obligation to ratify the Treaty, and confine myself to a single remark; namely, that all the Authorities cited by you lay down the peace and happiness of mankind in general, and of States and their respective people in particular, as a fundamental principle. And having, in my first Note, shown the notoriously hostile disposition prevailing throughout the Union towards the interests of the Spanish Monarchy, it necessarily follows, that, when the objects of Treaties are not obtained, the Ratification of that of 22d February, 1819, would, in like manner,

become illusory ; and, therefore, that His Majesty's motives for suspending it, were founded upon a competent view of evident facts.

I shall also leave it to the general sense of the reflecting part of mankind to decide, whether the reasoning you rely on, in stating the motives of the American Government for proposing to other Powers to acknowledge the revolted Provinces of Spanish America, and in exhibiting them as favorable, not only to suffering humanity, but to the interests of Spain herself, be not, in the highest degree, specious ; for, if such maxims were to be adopted, Nations could no longer count upon the integrity of their Possessions, or upon the maintenance of that mutual amity and good understanding which it is equally their duty and their interest to cultivate in their relations with each other.

I have the honor to offer you, &c.

The Hon. John Quincy Adams. FRANCISCO DIONISIO VIVES.

No. 2.—General Vives to Mr. Adams.

(Translation.)

SIR,

Washington, 10th May, 1820.

IN conformity with the orders I have this moment received from my Government, I have the honor to inform you, that His Catholic Majesty has sworn to the Political Constitution of the Spanish Monarchy, as sanctioned by the Extraordinary Cortes in 1812, and to enclose a printed Copy of His Majesty's Manifesto to the Nation ;* for the purpose of giving the President a just view of the noble and generous sentiments which actuate the august mind of the King.

Please to accept the renewed assurances, &c.

The Hon. John Quincy Adams. FRANCISCO DIONISIO VIVES.

No. 3.—General Vives to Mr. Adams.

(Translation.)

SIR,

Washington, 11th May, 1820.

AMONG the Documents transmitted with the President's Message to both Houses of Congress, and published in this day's National Intelligencer, I have seen, with surprise, the Letter of Mr. Gallatin, stating, that I positively told him, that " I could, in case of an arrangement, give satisfactory security to The United States, and that it would consist in consenting that they should take immediate possession of Florida, without waiting for the Ratification of the Treaty." Although I have with all frankness proved, in my Correspondence with you, that I had no such authority, and that it will not, under any view which may be taken, appear presumable that I made so doubtful, so useless, and inconsiderate a disclosure, I request, however, that you will be pleased to communicate this to the President, in order that, by giving publicity

* See Page 280.

to this Document, it may be understood that I made no such proposal, either to Mr. Gallatin, or to Baron Pasquier.

I renew to you, Sir, the assurances, &c.

The Hon. John Quincy Adams. FRANCISCO DIONISIO VIVES.

DISCOURS prononcé par le Roi des Pays-Bas, à l'Ouverture des Etats Généraux, le 16 Octobre, 1820.

NOBLES ET PUISSANS SEIGNEURS, (Traduction.)

DEPUIS que je me suis rendu au milieu de vous, ma Maison a éprouvé deux pertes douloureuses.

La mort m'a enlevé ma Sœur bien-aimée, la Duchesse Douairière de Brunswic-Lunenbourg ; et ma très-révérée Mère, la Princesse Douairière d'Orange-Nassau, née Princesse de Prusse ; à leur mémoire si chère à mon cœur se rattache le souvenir des principes de vertu et de magnanimité, que toutes les deux ont si fidèlement suivis.

D'un autre côté, ma Maison a eu à se réjouir de la naissance d'un Rejeton de mon Fils aîné, bien-aimé, le Prince d'Orange.

J'ai apprécié la part que, dans ces circonstances, les habitans du Royaume ont prise, de la manière la moins équivoque, à ma douleur comme à ma joie. Qu'ils soient assurés de ma persévérance dans les vues, par lesquelles j'espère affermir, de plus en plus, le bonheur et la prospérité de mon Peuple.

Je fais l'ouverture de votre Session actuelle par vous communiquer, Nobles et Puissans Seigneurs, que nos relations à l'extérieur continuent d'être entretenues avec une bienveillance réciproque. J'ai la satisfaction de pouvoir donner à Vos Nobles Puissances, l'assurance que je continue de nourrir l'espoir, que la Paix, qui est pour nous d'un si grand prix, sera conservée.

Je suis parvenu par des Négotiations amicales avec le Gouvernement Britannique à faire un Arrangement qui apporte des modifications au Ier Article de la Convention, réglant le commerce des Propriétaires et des Créanciers hypothécaires, Sujets du Royaume des Pays-Bas dans les Colonies de *Demerary*, d'*Essequibo*, et de *Berbice* ; au moyen de cet Arrangement, sanctionné par mon Haut Allié, le Roi de la Grande Bretagne, la faculté de naviguer, avec les Vaisseaux mentionnés audit Ier Article, se trouve prolongée de nouveau pendant un terme de 5 Ans.

Les efforts de mon Envoyé à Constantinople, soutenus par les démarches du Ministre de mon Haut Allié l'Empereur de Russie, ont amené d'heureux résultats ;—la Porte Ottomane a reconnu nos anciens droits à la Navigation de la Mer Noire : déjà le Pavillon des Pays-Bas, s'est montré dans ces parages ; et je me flatte que cette nouvelle source ouverte à notre industrie ne restera pas stérile.

Ce n'est pas avec une moindre satisfaction que nous pouvons fixer nos regards sur la situation intérieure du Royaume.

L'Administration Provinciale, ainsi que celle des Communes, suit une marche conforme aux réglemens ; de manière que les améliorations dont les réglemens seraient trouvés susceptibles, pourront être jugées avec soin, et sans précipitation.

L'introduction du nouveau système des Poids et Mesures se fait, sous des auspices qui ne sont pas défavorables.

La levée de la Milice Nationale s'est encore opérée cette Année, avec le meilleur succès : ceux qui sont appelés au service, remplissent avec bonne volonté les obligations qui leur sont imposées.

L'organisation de la Surveillance Médicale produit les effets salutaires qu'on attend d'elle ; parmi lesquels doivent être comptés spécialement, les progrès de la vaccine, et l'exercice amélioré de l'art de guérir dans les campagnes.

L'Administration du *Waterstaat* a reçu une nouvelle forme—la direction de plusieurs ouvrages, qui en font partie, y compris les grandes routes, a été confiée aux Provinces avec les stipulations nécessaires tant pour le mode d'administration qu'à l'égard des moyens de pourvoir aux dépenses que ces travaux exigent.

J'ai l'espoir que, par les bonnes dispositions et les efforts constans des Etats Provinciaux, cette épreuve répondra au but qui l'a provoquée et qu'elle menera ainsi à une gestion moins dispendieuse et plus expéditive.

Entre-temps l'expérience indiquera les modifications qu'il pourrait encore être jugé nécessaire ou convenable d'apporter aux dispositions déjà faites.

Les digues entraînées ou endommagées, dans l'hiver dernier, par les tempêtes, les eaux, et les débâcles, sont rétablies ou se rétablissent ; à l'époque de cet affreux désastre, la Nation a donné de nouvelles preuves du caractère bienfaisant qui la distingue si éminemment.

Le défrichement des terres incultes se poursuit avec activité dans quelques parties du Royaume, et procure à un grand nombre d'indigens de l'occupation et des moyens d'existence ; les efforts désintéressés de ceux qui se sont réunis en société pour réaliser de semblables vues, sont tout-à-fait dignes d'éloge et de l'efficace appui des habitans.

Les ouvrages de l'établissement maritime au *Nieuwe Diep* touchent à leur achèvement.

Ceux du Grand Canal, dans la Hollande Septentrionale, se poursuivent avec l'espoir fondé que non-seulement ils feront disparaître, pour le commerce, les entraves auxquelles la communication de la Ville d'Amsterdam, avec la Mer du Nord, est dans ce moment sujette, mais qu'ils apporteront en même temps des avantages et des facilités à la Marine du Royaume.

Les dispositions de la Loi concernant l'Arrière des Pays-Bas sont mises en exécution avec régularité ; la Commission chargée de ce travail long et difficile continue ses opérations avec zèle ; de

mon côté je ne néglige aucun des moyens propres à en accélérer le terme.

Le rapport favorable présenté à Vos Nobles Puissances, peu avant la clôture de la dernière Session, vous a fait assez connaître l'état de l'Instruction Publique et la flatteuse perspective qu'elle offre.

La récolte a été très-bonne ; même dans la plupart des contrées qui ont souffert par les inondations. Quoique le cultivateur ait obtenu un moindre prix du produit de ses terres, et que les spéculations de quelques-uns aient été trompées, l'abondance de la récolte doit néanmoins être considérée, quant à la masse générale du Peuple, comme un bienfait de la Providence.

La pêche du hareng n'a point participé à la prospérité des autres pêches.

Le Commerce et la Navigation des Pays-Bas n'ont point subi à la vérité des changemens considérables ; mais l'état des choses attentivement observé ne permet pas de révoquer en doute, qu'il n'y a pas lieu à se plaindre de leur décroissement, surtout en les comparant au Commerce, et à la Navigation, des autres Nations.

Dans les Colonies, l'Administration marche régulièrement, et en se développant davantage elle pourra promettre d'heureux résultats ; en attendant, l'influence de la Navigation et du Commerce des 2 Indes, se fait sentir visiblement dans les principales Villes et autres parties du Royaume.

L'exposition des objets de l'industrie nationale a également répondu à tout ce qu'on pouvait raisonnablement espérer ; les diverses parties du Royaume ont appris réciproquement à connaître leurs productions et leurs richesses en tout genre ; ainsi que l'extension dont leur industrie est susceptible.

Depuis l'ouverture de votre dernière Assemblée, l'état des Finances du Royaume n'a point éprouvé de changement important et certainement aucun qui soit défavorable.

Le Crédit public s'est soutenu ; l'augmentation de la valeur des Fonds Publics en fournit la preuve.

Le produit des Accises, quoiqu'incertain par sa nature, offrira à la fin de l'Exercice un résultat plus avantageux que celui de l'année dernière.

Le rapport préalable des travaux de la Commission que j'ai établie pour la révision du Système des Droits d'Entrée, et de Sortie, et des Accises, fait l'objet de mes sérieuses délibérations.

Ces délibérations offrent tant de points de vue divers et également intéressans, qu'un mûr examen, dégagé de toute précipitation, devient indispensable pour parvenir à déterminer s'il convient d'apporter, dans le système actuel, des changemens, ou des modifications, plus ou moins importans, et quels seraient ces changemens.

Mais si à cet égard il y avait lieu à proposer, pendant cette Session,

à Vos Nobles Puissances, quelques dispositions législatives, et qu'elles fussent converties en Lois, elles ne pourront cependant avoir aucune influence sur l'Exercice de 1821.

C'est sur ce principe que sont basées les Lois Financières qui seront présentées à Vos Nobles Puissances, avec les Propositions qui auront pour objet d'établir la Seconde Division du Budget, pour l'Année 1821, et les moyens de pourvoir aux dépenses qui y sont comprises.

Indépendamment de ces Lois Financières, la Loi sur les Gardes Communales sera de nouveau soumise à vos délibérations; des Projets de Loi concernant l'état des pauvres, les enfans trouvés et abandonnés, et quelques autres qui sont encore l'objet de mes délibérations, seront probablement présentés aussi à Vos Nobles Puissances.

Un autre travail important est en outre réservé à Vos Nobles Puissances; j'entends les délibérations sur les Codes des Pays-Bas.

Sous peu de jours, le Projet du Code Civil vous sera présenté en entier; on prépare et l'on achève les autres Codes, dans l'espoir que l'état de vos délibérations sur le 1er de ces Codes me mettra à même de vous adresser les autres avant qu'elles soient terminées.

J'ose attendre que les délibérations sur ces Projets commenceront et seront continuées avec le dessein d'unir à un examen suffisant et qui réponde à l'intérêt de la chose, la célérité et l'esprit de conciliation, dont les résultats puissent ouvrir à mon Peuple la perspective de n'être plus long-temps frustré du privilège qui lui a été promis, et que tous les gens bien-pensans réclament, savoir: l'établissement durable et conforme à la marche du siècle, d'une législation nationale, avec l'introduction d'une organisation judiciaire qui en est inséparable.

De cette manière la dernière main sera mise à l'une des Institutions importantes de la Loi Fondamentale du Royaume.

L'observation, l'exécution régulière, et la conservation de cette Loi Fondamentale, dans tout ce qu'elle prescrit, avec les devoirs et les droits qui y sont attachés, sont le but de tous mes soins, de tous mes efforts; et partout où, pour l'atteindre, le commun accord avec les Etats Généraux et leur concours seront nécessaires, j'attendrai avec confiance de votre sagesse, et de votre amour de la Patrie, que Vos Nobles Puissances me seconderont constamment.

LOI de France, relative au Règlement définitif du Budget de 1818.—A Paris, le 28 Mai, 1820.

LOUIS, par la Grâce de Dieu, Roi de France et de Navarre, à tous présens et à venir, salut.

Nous avons proposé, les Chambres ont adopté, nous avons ordonné et ordonnons ce qui suit :

I.—*Des annulations de Crédits.*

ART. I. LES Crédits en numéraire, fixés par la Loi du 25 Mars, 1817 pour les Dépenses de l'Exercice 1814 (9 derniers Mois), montant à Francs 572,293,587
sont limités et réglés à la somme des paiemens effectués, montant, à 572,023,643

et réduits d'une somme de 269,944
restée sans emploi, et disponible sur ces Crédits, au 1er Septembre, 1819.

Cette somme est affectée et transportée au Budget des Recettes de 1818.

II. Les Crédits ouverts par la Loi du 27 Juin, 1819 aux ministères ci-après, pour leur service des Exercices 1815, 1816, et 1817, sont réduits d'une somme totale de 3,142,518 francs, restée sans emploi sur ces crédits, savoir: Francs.

1815.	Ministère des Finances, Service ordinaire	140,885	
1816	{ Guerre ... { Service général	249,395	1,749,615
	{ Armée d'Occupation.....	1,300,220	
	{ Finances....Service ordinaire	200,000	
1817.	Guerre.....Service général et pensions	1,252,018	

SOMME PAREILLE.....Francs. 3,142,518

Cette somme est affectée et transportée au Budget des Recettes de l'Exercice 1818.

III. Les crédits ouverts par les Lois des 15 Mai, 1818 et 27 Juin, 1819 aux ministères ci-après, pour leur service de l'Exercice 1818, sont réduits d'une somme totale de 5,799,561 francs, restée sans emploi sur ces crédits, savoir: Francs.

Justice.	Service ordinaire et fixe.....	307,475	
Affaires Etrangères		19,340	
Intérieur	{ Clergé	1,000,000	1,107,846
	{ Service divers	107,846	
Guerre.....	{ Service ordinaire.....	3,447,820	4,007,290
	{ Armée d'Occupation.....	559,470	
Finances.....	{ Enregistrement et domaines	109,000	210,430
	{ Frais de Négociations.....	101,430	
Marine.....			140,767
Police, ancien	{ Service ordinaire.....	5,408	6,413
ministère.	{ Service spécial.....	1,005	

TOTAL ÉGAL.....Francs 5,799,561

IV. Le crédit en rentes 5 pour cent consolidés, de..... 16,600,000 affecté par les Lois des 15 et 16 Mai, 1818, au service de l'Exercice 1818, est limité, pour cet Exercice, aux..... 14,925,500 qui ont été négociés.

Les 1,674,500 non employés sur ce crédit, et compris dans le Budget de 1818 pour 32,921,318 francs, sont retirés de ce Budget, et affectés et transportés au Budget de l'Exercice 1819.

II.—*Fixation du Budget de 1818.*

V. Au moyen des dispositions précédentes applicables à l'Exercice 1818, et des supplémens de crédit accordés pour cet Exercice par la Loi du 10 Mai, 1820, les Crédits du Budget de 1818 sont fixés à la somme de 1,414,433,736 francs, et répartis entre les divers Ministères et Services, conformément à l'Etat A. ci-annexé.

IV. Les recettes de toute nature de ce même Exercice sont arrêtées, au 1er Septembre, 1819, à la somme totale de 1,414,433,736 francs, conformément à l'Etat B. aussi annexé à la présente Loi, et au moyen d'un prélèvement de 34,599,325 francs sur les ressources de l'Exercice 1819.

III.—*Dispositions Générales.*

VII. L'Etat des paiemens qui seront faits par le Trésor, jusqu'à la concurrence de la somme de 57,922,733 francs, restant à payer au 1er Septembre, 1819 sur les Crédits des Exercices 1818 et antérieurs, savoir :

Sur 1815, 1816, et 1817 ci.....	25,575,628
Sur 1818 montant à.....	33,602,131
et réduit de la somme de	1,255,026

par les annulations de Crédits faites sur les Ministères de l'Intérieur et de la Marine et l'ancien Ministère de la Police, ci 32,347,105

Francs, 57,922,733

sera produit au compte annuel des Finances, jusqu'à ce que les paiemens soient entièrement consommés.

VIII. Les sommes qui pourraient provenir encore des ressources affectées à l'Exercice 1818, seront portées en recettes au compte de l'Exercice courant, au moment où les recouvremens seront effectués.

La présente Loi, discutée, délibérée, et adoptée, par la Chambre des Pairs et par celle des Députés, et sanctionnée par nous ce jour-d'hui, sera exécutée comme Loi de l'Etat; voulons, en conséquence, qu'elle soit gardée et observée dans tout notre Royaume, Terres, et Pays, de notre obéissance.

Si donnons en mandement à nos Cours et Tribunaux, Préfets, Corps Administratifs, et tous autres, que les présentes ils gardent et maintiennent, fassent garder, observer, et maintenir, et, pour les rendre plus notoires à tous nos Sujets, ils les fassent publier et enregistrer par-tout où besoin sera : car tel est notre plaisir ; et, afin que ce soit chose ferme et stable à toujours, nous y avons fait mettre notre Scel.

Donné à Paris, le 28 Mai, de l'an de Grâce 1820, et de notre Règne le 25^{me}.

Par le Roi :

LOUIS.

Le Ministre Secrétaire d'Etat au Département des Finances.

Vu et scellé du Grand Sceau :

ROY.

Le Garde des Sceaux de France, Ministre Secrétaire d'Etat au Département de la Justice,

H. DE SERRE.

(Etat A.)—Budget Définitif de l'Exercice 1818.

DÉPENSES.

MINISTÈRES ET SERVICES.		Crédits précédem- ment accordés.	Supplé- ments nécessaires pour soldes les dépenses de l'Exercice 1819.	Crédits sans emploi à annuler.	Montant définitif des dépenses et des crédits accordés.
		Lois des 6 et 15 Mai, 1818, et 27 Juin, 1819.			
<i>Dette consolidée et Amortissement.</i>		Francs.	Francs.	Francs.	Francs.
Dette inscrite, 5 pour cent consolidés	-	136,737,000	-	-	136,737,000
Intérêts des reconnaissances de liquidation	-	15,000,000	-	-	15,000,000
Dotation de la caisse d'Amortissement	-	40,000,000	-	-	40,000,000
<i>Dépenses Ordinaires.</i>					
Dette viagère	-	12,800,000	-	-	12,800,000
Pensions	-	2,450,000	-	-	2,450,000
Civiles	-	12,500,000	-	-	12,500,000
Militaires	-	48,500,000	-	-	48,500,000
Fonds de retenue	-	265,057	-	-	265,057
Liste Civile et Famille Royale	-	34,000,000	-	-	34,000,000
Chambre des Pairs	-	2,000,000	-	-	2,000,000
Chambre des Députés	-	680,000	-	-	680,000
Justice	-	15,300,000	-	307,475	14,992,525
Service ordinaire	-	2,000,000	694,495	-	2,694,495
Frais de justice criminelle	-	400,000	-	-	400,000
Supplément aux fonds de retenue	-	9,710,000	-	19,340	9,690,660
Affaires étrangères	-	22,000,000	-	1,000,000	21,000,000
Clergé	-	37,240,000	-	107,846	37,132,154
Services généraux	-	544,443	-	-	544,443
Supplément aux fonds de retenue	-	36,176,800	-	-	36,176,800
Dépenses départementales fixes et variables	-	4,505,000	-	-	4,505,000
Primes à l'importation des grains	-	7,917,971	-	-	7,917,971
Non-valeurs sur les contributions directes	-	17,200,000	-	-	17,200,000
Finances.	-	16,671,000	-	109,000	16,562,000
Prélèvement sur les produits bruts des impôts pour frais de régie, de perception, non-valeurs, &c.	-	9,840,000	-	-	9,840,000
Frais de perception sur les contributions directes	-	4,300,000	782,600	-	5,082,600
Enregistrement, timbre et forêts	-	22,943,000	108,210	-	23,051,210
Postes	-	46,000,000	276,900	-	46,276,900
Loteries	-	(a) 1,337,057	-	-	1,337,057
Douanes et sels	-	11,975,000	-	-	11,975,000
Boissons et tabacs	-	3,000,000	-	-	3,000,000
Poudres. (Frais d'exploitation.)	-	8,000,000	-	-	8,000,000
Service ordinaire	-	433,067	-	-	433,067
Cadastre	-	21,898,000	-	101,430	21,796,570
Intérêts de cautionnements	-	154,750,000	-	3,447,820	151,302,180
Supplément aux fonds de retenue	-	250,000	-	-	250,000
Frais de négociations	-	44,800,000	-	140,767	44,659,233
Service ordinaire	-	1,000,000	-	5,408	994,592
Fonds supplétif pour pensions	-	65,933	-	-	65,933
Guerre	-	5,160,000	-	1,005	5,158,995
Marine	-				
Police Générale	-				
Service général	-				
Fonds supplétif pour pensions	-				
Service particulier	-				
<i>Dépenses Extraordinaires.</i>					
Remboursement d'obligations royales	-	10,333,950	-	-	10,333,950
Intérêts jusqu'au remboursement	-	1,134,472	-	-	1,134,472
Contributions de Guerre. (Troisième Cinquième)	-	140,000,000	-	-	140,000,000
Armée d'occupation	-	142,500,000	-	559,470	141,940,530
Rappel de solde des Armées étrangères	-	26,666,667	-	-	26,666,667
Paiement à l'Angleterre. (En exécution d'une Convention du 1er Septembre, 1817*)	-	2,200,000	-	-	2,200,000
Remboursement de cautionnements à des titulaires non remplacés	-	12,000,000	-	-	12,000,000
Contribution de guerre. (Complément des deux derniers cinquièmes)	-	265,000,000	-	-	265,000,000
Direction générale des poudres et salpêtres. (Ministère de la Guerre)	-	(b.) 3,062,943	-	-	3,062,943
Frais de régie des administrations financières, sur les Exercices 1815, 1816, et 1817, savoir:					
Enregistrement et domaines	-	2,604,150	-	-	2,604,150
Douanes	-	3,724,538	-	-	3,724,538
Contributions indirectes	-	111,457	-	-	111,457
Postes	-	1,133,085	-	-	1,133,085
Loteries	-	613,445	-	-	613,445
Totaux, Francs		1,410,184,417	1,862,205	5,799,561	1,416,946,183

(a—b.) Ces deux sommes réunies (1,337,057, et 3,062,943 francs) forment ensemble le crédit de 4,400,000 francs, ouvert par la Loi du 15 Mai, 1818, pour les Dépenses présumées des poudres et salpêtres.

* Convention conclue entre les Commissaires Français et Britannique, pour le paiement de la valuation des propriétés des Sujets Anglais, saisies à Bordeaux en 1814.

CONVENTION entre Sa Majesté le Roi de Sardaigne et Sa Majesté le Roi de Prusse, en supplément à celle du 9 Septembre, 1797, relative à l'abolition réciproque des Droits d'Aubaine, de Détraction, &c.—Signée à Turin, le 18 Février, 1820.

Manifeste du Sénat de Savoie.

LE Roi, en nous faisant parvenir, par sa Lettre à Cachet, sous date du 16 de ce mois, une Copie authentique de la Convention stipulée entre Sa Majesté et Sa Majesté le Roi de Prusse, en supplément à celle du 9 Septembre, 1797, laquelle Convention a été signée à Turin par les Ministres à ce autorisés, ensuite approuvée et ratifiée par Sa Majesté, et les Ratifications échangées le 4 du courant mois, nous a chargé d'en faire connaître les dispositions par un Manifeste.

A ces causes, en exécution des ordres du Roi, avons ordonné et ordonnons que ladite Convention sera publiée et affichée aux lieux accoutumés de ce ressort, son contenu sera gardé et observé, que tant ladite Convention, que le présent seront portés aux Registres de Céans, et qu'à la Copie imprimée par l'Imprimeur du Gouvernement Royal en Savoie, foi soit ajoutée comme à l'original.

Fait à Chambéry, au Sénat, le 23 Mai, 1820.

GABET, Neveu. Subst. Secrétaire Civil.

CONVENTION.

SA Majesté le Roi de Sardaigne et Sa Majesté le Roi de Prusse, également soigneux d'écarter toutes les difficultés sur l'application de la Convention du 9 Septembre, 1797, aux Pays que leurs Majestés possèdent actuellement, et animés du désir de faciliter de plus en plus les relations qui subsistent entre les Sujets des 2 Etats, ont nommé à cet effet pour leurs Plénipotentiaires, savoir : Sa Majesté le Roi de Sardaigne, M. le Comte de Laval, Chevalier de plusieurs Ordres, Lieutenant-Colonel dans l'Etat-Général de ses Armées, Directeur-Général des Postes, et 1^{er} Officier de la Secrétairerie d'Etat pour les Affaires Etrangères ; et Sa Majesté le Roi de Prusse, M. le Comte de Waldbourg Truchsess, Chevalier de plusieurs Ordres, Colonel dans ses Armées, son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté le Roi de Sardaigne ; lesquels, après avoir échangé leurs Pleins-pouvoirs, sont convenus des Articles suivans :

ART. I. La Convention conclue à Turin le 9 Septembre, 1797, établissant une parfaite réciprocité en fait de succession, et l'abolition à cet effet des droits d'aubaine et de détraction entre les Sujets respectifs des 2 Puissances, s'étendra nommément aux Pays qu'elles possèdent aujourd'hui. Elle sera exécutoire en tout son contenu généralement dans toutes les Provinces des Etats actuels respectifs.

II. L'abolition du droit de détraction (*gabella hæreditaria et census emigrationis*) aura lieu, quelque soit le motif ou la cause de l'exportation des biens, argent et autres propriétés mobilières ; elle s'étendra non-seulement aux droits à verser dans les caisses de l'Etat ou du Souverain, mais encore aux droits à verser dans les caisses des Communes, Villes, Bourgs, Fondations Pieuses, Ordre de Chevalerie, Jurisdictions Patrimoniales, Corporations et Personnes morales ou Individus quelconques, en sorte qu'aucune des susdites Caisses ne puisse exiger ou lever aucun des droits compris sous celui de détraction, sans que les intéressés soient cependant dispenser de payer les mêmes droits auxquels sont ou seront assujettis dans chaque Pays les nationaux mêmes pour leurs propriétés et pour leurs successions.

III. L'exemption des droits ne regardant que les biens, argent et autres propriétés, les Individus sortant de l'un desdits Etats, même pour aller se fixer dans l'autre, resteront astreints à toutes les obligations personnelles, que les Lois présentes et futures, notamment celles touchant le service militaire, leur imposeront, et dont ils ne pourront être dispensés que par une faveur spéciale de leur Souverain respectif.

IV. La Convention sus-énoncée et les dispositions précédentes sont même applicables aux successions ouvertes, et à tous les cas existans postérieurement à l'époque de la réunion respective de chacun des Pays qui font partie des Etats des 2 Puissances Contractantes, depuis la Convention de 1797, sans préjudice toutefois de l'autorité de la chose jugée et des transactions légitimement stipulées.

V. La présente Convention sera ratifiée, et les Ratifications échangées à Turin dans l'espace de 3 mois, ou plutôt si faire se peut.

En foi de quoi, nous avons signé la présente, et y avons apposé le Cachet de nos Armes.

Fait à Turin, le 18 Février, 1820.

(L. S.) LOUIS, *Comte de Waldbourg Truchsess.*

(L. S.) DE-LAVAL.

Turin, ce 16 Mai, 1820.

DEMARCHI, *Secrétaire d'Etat de Sa Majesté.*

LOI de France, relative à la fixation du Budget des Dépenses de 1820.—A Paris, le 19 Juillet, 1820.

Louis, par la grâce de Dieu, Roi de France et de Navarre, à tous présens et à venir, salut.

Nous avons proposé, les Chambres ont adopté, nous avons ordonné et ordonnons ce qui suit :

TITRE I.

Dispositions relatives aux Pensions.

ART. I. Les Pensions Militaires accordées ou restant à accorder par suite de la conversion des traitemens de non-activité en soldes de retraite, autorisé par l'Article XXI de la Loi du 15 Mai, 1818, seront inscrites au Trésor, à compter du 1^{er} Janvier, 1820, jusqu'à concurrence d'une somme de 2,600,000 francs.

II. L'inscription aura lieu d'après les ordonnances de concession qui ont été et seront adressées au Ministre des Finances par le Ministre de la Guerre, et suivant les formalités prescrites par les Articles XXIV et XXV de la Loi du 25 Mars, 1817.

III. Du moment où cette somme de 2,600,000 francs aura été atteinte par les inscriptions effectives, les Pensions Militaires qui seront ultérieurement accordées par la conversion des traitemens de non-activité en soldes de retraite, seront imputées sur le crédit annuel d'inscription fixé par l'Article V de la Loi du 14 Juillet, 1819.

TITRE II.

*Fixation des Charges et Dépenses de l'Exercice 1820.**I.—Budget de la Dette consolidée.*

IV. Les Dépenses de la Dette consolidée et de l'amortissement sont fixées, pour l'Exercice 1820, à la somme de 228,341,200 francs, conformément à l'Etat A. ci-annexé.

II.—Fixation des Dépenses générales du Service.

V. Des Crédits sont ouverts jusqu'à concurrence de 509,071,000 francs, pour les Dépenses générales du service de l'année 1820, conformément à l'Etat B. ci-annexé.

VI. Il sera pourvu au paiement des Dépenses mentionnées dans les Articles IV et V de la présente Loi et dans les Tableaux y annexés, par les voies et moyens de l'Exercice 1820.

VII. Les comptes de chaque Exercice seront toujours établis avec les mêmes distributions que l'aura été le Budget du dit Exercice, sauf les Dépenses imprévues qui n'y auraient pas été mentionnées, et pour lesquelles il sera fait des Articles ou des Chapitres additionnels et séparés.

VIII. L'Ordonnance du 5 Août, 1818, portant concession à la Ville de Paris du privilège de l'exploitation des jeux, continuera d'être exécutée, sauf la modification suivante.

L'obligation imposée à ladite Ville, de prendre à sa charge et de payer annuellement, pour prix de cette concession, les Dépenses énoncées dans l'Etat annexé à la susdite Ordonnance, et montant à 5,500,000 francs, sera convertie, à dater du 1^{er} Janvier prochain, en une obligation de verser annuellement au Trésor Royal la susdite somme, payable par douzième chaque mois.

Le Budget de l'Etat pour l'année 1821 sera en conséquence augmenté, en recette, des 5,500,000 francs qui seront versés par la Ville de Paris ; et en dépense, des sommes équivalentes qu'elle devait acquitter en vertu de cette Ordonnance, et qui cesseront d'être à sa charge.

La présente Loi, discutée, délibérée et adoptée par la Chambre des Pairs et par celle des Députés, et sanctionnée par nous ce jourd'hui, sera exécutée comme Loi de l'Etat ; voulons, en conséquence, qu'elle soit gardée et observée dans tout notre Royaume, terres et Pays de notre obéissance.

Si donnons en mandement à nos Cours et Tribunaux, Préfets, Corps Administratifs, et tous autres, que les présentes ils gardent et maintiennent, fassent garder, observer et maintenir, et, pour les rendre plus notoires à tous nos Sujets, ils les fassent publier et enregistrer par-tout où besoin sera : car tel est notre plaisir ; et, afin que ce soit chose ferme et stable à toujours, nous y avons fait mettre notre Scel.

Donné à Paris, en notre Château des Tuileries, le 19 jour du mois de Juillet de l'An de Grâce, 1820, et de notre Règne le 26^{me}.

Par le Roi:

LOUIS.

Le Ministre Secrétaire d'Etat au Département des Finances.

Vu et scellé du Grand Sceau:

ROY.

Le Pair de France, Sous-Secrétaire d'Etat au Département de la Justice, chargé du Portefeuille du Ministère. CTE PORTALIS.

BUDGET Général des Dépenses et Services pour l'Exercice, 1820.

<i>Etat A. Budget de la Dette Consolidée et de l'Amortissement.</i>			
		Francs.	Francs.
Intérêts des reconnaissances de liquidation.			
Délivrés au 1 Janvier, 1820	- - - - -	12,005,818	
A délivrer ultérieurement (par estimation)	- - - - -	2,994,182	
			15,000,000
Intérêts des 5 pour cent consolidés.			
Inscrits au 1 Janvier, 1820	- - - - -	172,784,838	
A inscrire ultérieurement	- - - - -	566,362	
			173,351,200
Dotation de la Caisse d'Amortissement	- - - - -	-	40,000,000
		Total, Francs,	228,351,200

Etat B. Budget Général des Dépenses et Services.

DESIGNATION DES DEPENSES ET SERVICES.		MONTANT des dépenses à acquitter sur le produit net à verser au Trésor Royal.	
		Francs.	
Liste Civile	- - - - -	25,000,000	
Famille Royale	- - - - -	9,000,000	Francs.
			34,000,000
A reporter		-	Francs 34,000,000

Etat B. (Suite.)

DESIGNATION DES DEPENSES ET SERVICES.		MONTANT des dépenses à acquitter sur le produit net à verser au Trésor Royal.	
	Report, -	Francs.	34,000,000
MINISTÈRES.			
Présidence du Conseil des Ministres. (Traitement et frais de Bureau)	-	-	155,000
Justice - - - - -	-	-	17,895,500
Affaires Etrangères - - - - -	-	-	7,570,000
INTÉRIEUR.			
Service ordinaire - - - - -	-	-	10,929,600
Cultes.—Clergé (non compris 4,400,000 francs payés par le Trésor à titre de Pensions faisant partie des traitemens ecclésiastiques) -	-	-	22,600,000
Cultes non Catholiques - - - - -	-	-	650,000
			23,250,000
Travaux publics.—Ponts et chaussées et mines, y compris les fonds spéciaux - - - - -	-	-	30,000,000
Travaux d'intérêt général { à Paris - - - - -	-	-	1,680,000
{ dans les Départemens - - - - -	-	-	2,330,000
			34,010,000
Dépenses Départementales.—Fixes - - - - -	-	-	12,210,000
Variables - - - - -	-	-	21,976,000
Secours pour grêle, incendies et autres cas fortuits (un centime sur les fonds de non valeurs) - - - - -	-	-	1,954,000
			104,329,600
GUERRE.			
Service actif - - - - -	-	-	168,198,150
Dépenses temporaires.—Solde de non activité - - - - -	-	-	7,927,000
Traitemens de réforme - - - - -	-	-	2,216,000
Secours - - - - -	-	-	1,060,000
			11,203,000
Frais de liquidation de l'arriéré - - - - -	-	-	623,200
			11,826,200
MARINE.			
Service général - - - - -	-	-	43,930,000
Colonies - - - - -	-	-	6,070,000
			50,000,000
FINANCES.			
Dette viagère - - - - -	-	-	-11,400,000
Pensions.—Civiles - - - - -	-	-	2,289,534
Militaires (y compris 2,600,000 francs pour les demi-soldes converties en Pensions) -	-	-	51,587,776
Ecclésiastiques - - - - -	-	-	10,712,690
Supplément au fonds de retenues des divers Ministères - - - - -	-	-	1,762,650
			66,352,650
Intérêts de cautionnemens - - - - -	-	-	- 8,000,000
Intérêts de la dette flottante - - - - -	-	-	6,500,000
Intérêts, du 1 Juin, au 31 Décembre, 1820, de 100,000,000 de bons à remettre aux Etrangers, contre 6,615,944 francs de rentes 5 pour cent - - - - -	-	-	3,004,300
			9,504,300
			95,256,950
Chambre des Pairs - - - - -	-	-	- 2,000,000
Chambre des Députés - - - - -	-	-	- 730,000
Légion d'Honneur.			
Rente payable sur les produits de l'enregistrement et des domaines - - - - -	-	-	240,000
Supplément à la dotation pour le second semestre de 1820	-	-	1,700,000
			1,940,000
			4,670,000
			99,926,950
A reporter -	-	Francs,	493,901,400

Etat B. (Suite.)

DESIGNATION DES DEPENSES ET SERVICES.						MONTANT des dépenses à acquitter sur le produit net à verser au Trésor Royal.
			Report,	-	Francs	- 493,901,400
Cour des Comptes -	-	-	-	-	1,242,600	
Administration des Monnaies -	-	-	-	-	520,000	
Commission de Liquidation Française -	-	-	-	-	91,000	
Cadaastre -	-	-	-	-	2,000,000	
					<u>3,853,600</u>	
Service ordinaire du Ministère -	-	-	-	-	6,420,000	
Frais de Service et de Négociations de la Trésorerie -	-	-	-	-	4,896,000	
					<u>15,169,600</u>	
					Total, Francs	509,071,000

Récapitulation des Dépenses.

						Francs.
Dette Consolidée et Amortissement	-	-	-	-	-	228,341,200
Service général	-	-	-	-	-	509,071,000
						<u>737,412,200</u>

Dépenses pour Ordre.

Dépenses de l'Instruction Publique	-	-	-	-	-	1,994,400
Direction générale des poudres et salpêtres	-	-	-	-	-	3,154,340
						<u>5,148,740</u>
					Total général, Francs	742,560,940

Certifié conforme : *Le Ministre Secrétaire d'Etat au Département des Finances,* ROY.

**CONVENTION entre Sa Majesté le Roi de Sardaigne et
Sa Majesté le Roi de France, pour l'extradition réciproque
des Déserteurs.—Signée à Paris, le 9 Août, 1820.**

Manifeste du Sénat de Savoie.

LE Roi, en nous faisant parvenir, par sa Lettre à Cachet du 21 du courant, une Copie authentique de la Convention faite entre Sa Majesté et Sa Majesté Très-Chrétienne, pour l'extradition réciproque des Déserteurs, signée à Paris le 9 Août dernier, par les Ministres à ce autorisés, ensuite approuvée et ratifiée par les 2 Souverains, et les Ratifications échangées le 26 Octobre suivant, nous a chargé d'en faire publier les dispositions par un Manifeste.

A ces causes, en exécution des Ordres du Roi, avons ordonné et ordonnons que ladite Convention sera publiée et affichée aux lieux accoutumés de ce ressort, son contenu sera gardé et observé, que tant ladite Convention, que le présent, seront portés aux Registres de Céans, et qu'à la Copie imprimée par l'Imprimeur du Gouvernement Royal en Savoie, foi soit ajoutée comme à l'original.

Fait à Chambéry, au Sénat, le 25 Novembre, 1820.

GABET.

CONVENTION.

ART. I. TOUT militaire admis ou immatriculé, d'après les Lois, dans l'un des Corps composant l'Armée de terre, qui déserterait le service de l'une des 2 Puissances et passerait sur le Territoire de l'autre, soit pour y prendre du service, soit pour y chercher un asile, sera arrêté, afin d'être rendu, à moins qu'il ne soit Sujet du Pays où il se sera réfugié ; mais dans ce dernier cas, les chevaux et effets d'armement, d'habillement et d'équipement appartenant à la Puissance dont il aurait abandonné le service, seront renvoyés au Commandant de la première place frontière.

Dans le cas où le Déserteur arrêté aurait abandonné antérieurement le service d'un autre Gouvernement, avec lequel la Puissance requise aurait conclu un semblable cartel d'échange, il sera remis à l'Etat qu'il aura abandonné en dernier lieu.

II. Lorsque l'arrestation d'un Déserteur aura lieu, la Puissance à laquelle il appartiendra en sera immédiatement informée par un avis adressé aux Autorités Militaires ou Civiles de la place la plus voisine de la frontière. Cet avis portera, s'il est possible, l'indication du Régiment que le Déserteur aura quitté et fera connaître l'époque précise de son arrestation et la nature des effets qu'on aura trouvé sur lui.

Aussitôt que de part et d'autre les Autorités limitrophes auront déterminé le jour où l'extradition devra s'effectuer, le Déserteur sera conduit jusqu'à la frontière et remis entre les mains de la force armée.

III. Les frais de détention, ceux de nourriture et la gratification mentionnée en l'Article V, seront payés au moment de la remise du Déserteur.

Il sera alloué pour frais de détention et de nourriture, par jour, pour chacun des Déserteurs, 75 centimes et la valeur d'une ration de pain de 24 onces, au prix courant de cette denrée.

IV. Les Déserteurs, fantassins ou cavaliers, seront rendus avec les armes, les habits, les équipages et l'argent qu'ils pourront avoir au moment de leur arrestation.

Il en sera de même des chevaux que les Déserteurs de Cavalerie emmeneraient avec eux. La nourriture des chevaux, réglée sur le pied d'une ration par jour, pour chaque cheval, sera payée au prix de la ration de fourrage allouée en France à la Gendarmerie, et dans les Etats de Sa Majesté le Roi de Sardaigne, aux Carabiniers exerçant leurs fonctions dans le lieu où l'arrestation aura été faite.

V. Il sera accordé une gratification de 25 francs à quiconque aura arrêté un Déserteur d'Infanterie, ou un Cavalier non monté, et le double pour l'arrestation d'un Cavalier avec son cheval. Cette gratification sera payée dans le lieu même où la remise du Déserteur aura lieu, et par les soins de l'Autorité qui le recevra.

Les Receveurs des contributions publiques fourniront les fonds nécessaires au paiement de gratification de ce genre et des frais de détention et d'extradition énoncés en l'Article III. En France, cette

avance sera faite en vertu d'un Mandat de l'Autorité Supérieure Locale, et sera remboursée aux Receveurs par le Ministère, dans la juridiction duquel se trouvera le Déserteur extradé. En Piémont, cette avance sera faite d'après un Mandat de l'Intendant de la Province.

VI. Lorsqu'un Déserteur aura atteint le Territoire de celle des 2 Puissances à laquelle il n'appartiendra pas, il ne pourra, sous aucun prétexte, y être poursuivi par les Officiers de son Gouvernement.

Ces Officiers se borneront à prévenir de son passage les Autorités Locales afin qu'elles aient à le faire arrêter. Néanmoins, pour accélérer l'arrestation de ce Déserteur, 1 ou 2 personnes, chargées de la poursuite, pourront, au moyen d'un Passe-port ou d'une autorisation en règle, qu'elles devront obtenir de leurs Chefs immédiats, se rendre au plus prochain Village, situé en dehors de la frontière, à l'effet de réclamer des Autorités Locales l'exécution du présent Traité.

VII. L'arrestation et l'extradition des Déserteurs de la Marine et des Forçats auront également lieu dans les formes et aux conditions énoncées ci-dessus, à l'égard des Déserteurs des Corps composant l'Armée de terre.

VIII. Les effets et l'argent qui seraient au pouvoir des Déserteurs au moment de leur arrestation, seront exactement rendus, s'ils les ont volés. Toutefois, on prélèvera sur leur valeur les frais de justice qu'il aura été indispensable de faire, à moins que ces effets ne soient des pièces de conviction, sans lesquelles la preuve du crime serait perdue.

Les Autorités Supérieures veilleront de part et d'autre à ce qu'il ne se commette aucun abus dans ce prélèvement.

IX. Le Déserteur qui se sera rendu coupable d'un crime emportant la peine de mort, ou une peine afflictive à vie, dans le Pays où il se sera réfugié, ne sera point rendu ; mais s'il a commis un crime emportant une peine moins grave, il sera remis à la disposition de son Gouvernement, après avoir subi la peine qu'il a encourue dans le Pays où il avait cherché asile.

X. La présente Convention est conclue pour 2 ans, à l'expiration desquels elle continuera d'être en vigueur pour 2 autres années et ainsi de suite, sauf déclaration contraire de la part de l'un des 2 Gouvernemens.

XI. La présente Convention sera ratifiée et les Ratifications en seront échangées dans le terme de 6 semaines ou plutôt, si faire se peut.

En foi de quoi, nous Soussignés, Plénipotentiaires de leurs Majestés le Roi de Sardaigne et le Roi de France et de Navarre, avons signé la présente Convention et y avons apposé le Cachet de nos Armes.

Fait à Paris, le 9 Août. 1820.

(L.S.) PASQUIER. (L.S.) LE COMTE DE PRALORME.

Turin, du Secrétariat pour les Affaires Internes,

DEMARCHI, *Secrétaire d'Etat de Sa Majesté.*

LOI de France, relative à la Fixation du Budget des Recettes de 1820.

A Paris, le 23 Juillet, 1820.

LOUIS, par la grâce de Dieu, Roi de France et de Navarre, à tous présens et à venir, salut.

Nous avons proposé, les Chambres ont adopté, nous avons ordonné et ordonnons ce qui suit.

TITRE I.—*Divers Droits et Perception.*

ART. I. Les dispositions des Lois auxquelles il n'est pas dérogé par la présente, et qui régissent actuellement la perception des droits d'enregistrement, de timbre, de greffe, d'hypothèque, de passe-port et permis de port d'armes; des droits de Douanes, y compris celui sur les sels; des contributions indirectes, des postes, des loteries, des monnaies et droits de garantie, de la taxe des brevets d'invention, des droits de vérification des poids et mesures, du 10ème des billets d'entrée dans les spectacles, d'un quart de la recette brute dans les lieux de réunion et de fête où l'on est admis en payant, et d'un décime pour franc sur ceux de ces droits qui n'en sont point affranchis, sont et demeurent maintenues.

La Loi du 29 Mars, 1798, [9 Germinal an VI.] sur la loterie, continuera d'être exécutée selon sa forme et teneur.

II. Les droits et remises attribués aux Greffiers des Tribunaux Civils et de Commerce par la Loi du 21 Nivôse an VII, seront perçus par eux directement des parties qui en sont tenues; mais les Receveurs de l'Enregistrement mentionneront désormais en toutes Lettres, dans la relation au pied de chaque acte, 1° le montant des droits de greffe, appartenant au Trésor, 2° le montant de la remise qui revient au Greffier pour l'indemnité qui lui est allouée par la Loi.

III. Dans les Communes qui, en vertu de l'Article CLII de la Loi du 28 Avril, 1816, ont été ou seront soumises à un octroi de banlieue, les boissons seront admises en entrepôt, aux mêmes conditions que dans l'intérieur de la Ville.

Dans la banlieue de Paris, les Entrepositaires et Marchands en gros d'eau-de-vie, esprits et liqueurs, seront soumis à l'exercice de détail; mais ils jouiront des déductions portées en l'Article LXXXVII de la Loi du 25 Mars 1817.

IV. Le droit de fabrication sera restitué sur les bières qui seront expédiées à l'étranger ou pour les Colonies Françaises.

V. Indépendamment du droit de timbre auquel les journaux sont assujettis par l'Article LXX de la Loi sur les Finances du 28 Avril, 1816, il continuera d'être perçu 1½ centimes par feuille sur ceux qui sont imprimés à Paris, et ½ centime sur ceux qui sont imprimés dans les Départemens.

VI. Le Gouvernement continuera, pendant une année, d'être autorisé

conformément à la Loi du 4 Mai, 1802, [14 Floréal an X,] à établir des droits de péage, dans le cas où ils seront reconnus nécessaires pour concourir à la construction ou à la réparation des Ports, écluses ou ouvrages d'art à la charge de l'Etat, des Départemens et des Communes : il en fixera les tarifs et le mode de perception, et en déterminera la durée, dans la forme usitée pour les réglemens d'administration publique.

VII. Continueront d'avoir lieu pour l'Année 1820, sur le même pied que pour les 6 derniers mois de 1819, les retenues proportionnelles sur les traitemens, remises et salaires, qui ont été prescrites par les Articles LXXVIII et LXXIX de la Loi du 28 Avril, 1816, et par l'Article CXXXVI de la Loi du 25 Mars, 1817.

VIII. Sont néanmoins exemptés de ladite retenue, les traitemens des Agens du Ministère des Affaires Etrangères pendant leur résidence hors du Royaume.

IX. Les redevances sur les mines continueront à être perçues conformément aux Loix existantes.

X. Les entreposeurs des poudres en Corse, et les gardes-magasins des poudres à Paris et à Lyon, fourniront un cautionnement en numéraire pour la sûreté de leur gestion. Ce cautionnement est réglé à 3,000 francs pour chacun des entreposeurs et pour chacun des gardes-magasins.

XI. Continueront d'être perçues les contributions spéciales destinées à subvenir aux dépenses des Bourses et Chambres de Commerce, ainsi que les revenus spéciaux accordés auxdits établissemens et aux établissemens sanitaires.

XII. Celles des contributions ci-dessus qui sont à la charge des patentables, seront réparties sur ceux de 1^{ère} et 2^{ème} classes, et sur tous ceux qui, étant placés hors de classe, paieront un droit fixe de patente égal ou supérieur à celui desdites classes.

Les associés des maisons de commerce qui, aux termes de l'Article LXIX de la Loi du 25 Mars 1817, ne paient qu'un demi-droit fixe, les associés de fabricans à métier, et filatures de laine et de coton, qui, d'après la même Loi, ne sont assujettis qu'à un droit proportionnel, contribueront aux frais des Chambres de Commerce, lorsque le droit fixe de patente de l'associé principal sera égal ou supérieur à celui de la 2^{ème} classe.

XIII. Dans un Département où il n'y aura qu'une Chambre de Commerce, le Rôle comprendra les patentables de tout le Département désignés en l'Article XII ci-dessus.

S'il y a dans le même Département plusieurs Chambres de Commerce, le Rôle de chacune d'elles comprendra les patentables également désignés en l'Article XII, qui font partie de l'Arrondissement dans lequel elle est située.

Néanmoins, sur les observations des Chambres de Commerce, la

circonscription de chacune d'elles sera fixée par des Ordonnances Royales.

Une Ordonnance Royale déterminera pareillement la circonscription d'une Chambre de Commerce qui sera commune à des parties de plusieurs Départemens.

XIV. Le Rôle relatif aux frais d'une Bourse de Commerce ne comprendra que les patentables de la Ville où elle est établie, désignés en l'Article XII de la présente Loi.

XV. La taxe pour le paiement des frais des Chambres et Bourses de Commerce portera sur le principal de la cote de patente, consistant dans le droit fixe et le droit proportionnel. Il sera ajouté 5 centimes à cette taxe pour subvenir aux non-valeurs.

XVI. Des Ordonnances Royales fixeront, chaque année, les sommes à imposer pour subvenir aux dépenses des Chambres et Bourses de Commerce.

Cette fixation aura lieu, savoir : sur la proposition des Chambres de Commerce pour leurs frais, et sur la proposition desdites Chambres, ou, à leur défaut, sur la proposition des Conseils Municipaux, pour les frais des Bourses de Commerce. Des Ordonnances Royales régleront la forme de la comptabilité et de la vérification de l'emploi des deniers.

XVII. Continueront également d'être perçus.

1°. Les droits établis par l'Article XVI des lettres-patentes du 10 Février, 1780, et par l'Article XLII de l'Arrêté du Gouvernement du 25 Thermidor an XI [13 Août, 1803,] pour les frais de visite chez les pharmaciens, droguistes, et épiciers :

Ne seront pas néanmoins soumis au paiement du droit de visite les épiciers non droguistes chez lesquels il ne serait pas trouvé des drogues appartenant à l'art de la pharmacie ;

2°. Les diverses rétributions imposées, en faveur de l'Université, sur les établissemens particuliers d'instruction et sur les élèves qui fréquentent les écoles publiques, à l'exception du droit décennal établi par l'Article XXVII, du Décret du 17 Septembre, 1808, lequel demeure supprimé ;

3°. Les taxes imposées, avec l'autorisation du Gouvernement, pour la conservation et la réparation des digues et autres ouvrages d'art intéressant les communautés de propriétaires et d'habitans, et les taxes pour les travaux de dessèchement autorisées par la Loi du 17 Septembre, 1807 ;

4°. Les sommes réparties sur les Israélites de chaque circonscription pour le traitement des Rabbins et autres frais de leur culte, après néanmoins que les Rôles, dressés en la forme prescrite par le Décret du 10 Décembre, 1806, auront été rendus exécutoires par le Préfet de chaque Département.

XVIII. Les contributions, taxes, et droits, maintenus par le présent

Titre continueront d'être perçus jusqu'au 1er Avril, 1821, sans préjudice de l'exécution des Lois qui ont établi la fabrication et la vente exclusives des poudres et des tabacs.

Les poudres continueront également d'être vendues jusqu'au 1er Avril, 1821, aux prix fixés par la Loi du 16 Mars, 1819.

TITRE II.—*Contributions directes.*

XIX. La contribution foncière, la contribution personnelle et mobilière, la contribution des portes et fenêtres, et les patentes, seront perçues, pour 1820, en principal et centimes additionnels, sur le même pied qu'en 1819, et conformément à l'Etat A ci-annexé.

XX. Le contingent de chaque Département dans les contributions foncière, personnelle, et mobilière, et des portes et fenêtres, est fixé aux sommes portées dans l'Etat B de répartition générale annexé à la présente Loi.

XXI. Le montant de la contribution foncière mise par des rôles particuliers, en 1819, sur les bois qui ont cessé, à quelque titre que ce soit, de faire partie des domaines de l'Etat, sera, pour 1820, ajouté au contingent de chaque Département, de chaque Arrondissement, et de chaque Commune.

XXII. Les bois et autres propriétés qui n'auraient pas été compris dans les Rôles particuliers de 1819, et qui cesseraient ultérieurement de faire partie du domaine de l'Etat, ou deviendraient imposables pour toute autre cause, seront, d'après une matrice particulière rédigée dans la forme accoutumée, cotisés comme les autres bois et propriétés de même nature, et accroîtront le contingent de chaque Département, de chaque Arrondissement, et de chaque Commune.

XXIII. A l'égard des propriétés de toute nature qui, ayant appartenu à des particuliers, passent dans le domaine de l'Etat ou sont entrées dans la dotation de la Couronne, et des propriétés bâties qui, pour toute autre cause, cessent d'être imposables, et deviennent, à ce titre, libres de la contribution foncière, les Communes, Arrondissemens, et Départemens, où elles sont situées, seront dégrevés de la contribution jusqu'à concurrence de la part que lesdites propriétés prenaient dans leur matière imposable.

XXIV. L'Etat des nouvelles cotisations et des dégrèvements qui sont mentionnés dans les 3 Articles précédens, sera annexé au Budget de chaque année.

L'Etat des cotisations et des dégrèvements effectués, depuis la restauration, par Départemens, Cantons, et Communes, sera annexé au Budget de 1821.

XXV. La nouvelle répartition entre les Cantons cadastrés, ordonnée par l'Article XXXVII de la Loi du 15 Mai, 1818, est suspendue pour 1820.

XXVI. La Loi du 25 Avril, 1803, [5 Floréal an XI] pour la contribution foncière des canaux navigables, sera désormais applicable à

tous les canaux de navigation existans, comme à ceux qui seraient construits par la suite.

Les Communes, Arrondissemens, et Départemens, qui traversent les canaux existans, seront dégrevés de la contribution foncière jusqu'à concurrence de la somme dont cette opération diminuerait le contingent actuellement attribué à ces canaux.

XXVII. Le contingent en contribution personnelle de chaque Arrondissement et de chaque Commune sera fixé, par le Conseil Général du Département et par les Conseils d'Arrondissement, d'après le nombre des contribuables passibles de cette contribution, multiplié par le prix de 3 journées de travail.

XXVIII. La valeur de la journée de travail ne pourra, conformément à l'Article V, de la Loi du 23 Décembre, 1798, (3 Nivôse an VII), être au-dessous de 50 centimes, ni au-dessus de 1 franc 50 centimes.

Elle sera de nouveau réglée dans toutes les Communes, à raison de leur importance et des avantages dont elles jouissent, par les Conseils Généraux de Département, sur la proposition des Préfets.

XXIX. L'Article IX de la Loi du 23 Décembre, 1798, [3 Nivôse an VII,] qui veut que le contingent mobilier des Arrondissemens des Communes soit fixé, un tiers en raison de la Population, et les 2 autres tiers au centime le franc de toutes les patentes de chaque Commune, est abrogé.

Le contingent des Départemens, des Arrondissemens, et des Communes, sera, à partir de 1821, fixé d'après les valeurs locatives d'habitation.

XXX. Les Officiers sans Troupe, Officiers d'Etat-Major, Officiers de Gendarmerie, et généralement tous ceux qui, en vertu de Décrets et d'Arrêtés, ont jusqu'à présent payé la contribution personnelle et mobilière en raison de leur traitement ou de leur indemnité de logement, seront imposés d'après le mode et dans la proportion arrêtés pour les autres contribuables.

XXXI. Les prisées et ventes publiques de meubles des contribuables en retard seront faites par les Commissaires priseurs, dans les Villes où ils sont établis ; dans ce cas, comme dans tous les autres, les vacations des Commissaires priseurs seront taxées par les Tribunaux : mais, si les opérations ont lieu pour le recouvrement des contributions directes, les Tribunaux se conformeront aux Réglemens faits par les Préfets et arrêtés par le Gouvernement.

XXXII. Jusqu'à ce que les Rôles de l'Exercice 1820 aient pu être terminés, la perception continuera d'avoir lieu sur ceux de 1819, ainsi qu'il a déjà été prescrit pour les 6 premiers mois par la Loi du 29 Décembre dernier.

TITRE III.—*Fonds destinés aux Dépenses départementales.*

XXXIII. Sur les centimes additionnels à la contribution foncière, et à la contribution personnelle et mobilière, il sera prélevé 17½ centimes pour les dépenses départementales fixes, communes, et variables.

Ces centimes seront divisés de la manière suivante :

1°. Six centimes et quart seront versés et centralisés au Trésor Royal, pour être tenus en totalité à la disposition du Ministre de l'Intérieur, et être employés au paiement des dépenses fixes ou communes à plusieurs Départemens, ci-après désignées, savoir :

Traitemens des Préfets, Sous-préfets, et Conseillers de Préfecture ;

Abonnemens des Préfectures et des Sous-Préfectures ;

Dépenses des maisons centrales de détention, et indemnités aux Départemens, à raison des dépenses des condamnés à un an et plus d'emprisonnement, qui, existant dans les Prisons Départementales, ne pourraient être admis dans les maisons de détention ;

Bâtimens des Cours Royales ;

Dépenses du Clergé à la charge des Départemens composant les Diocèses, autres que le personnel des Ministres de la Religion ;

Etablissemens thermaux et sanitaires.

2°. Six centimes et quart seront versés dans les caisses des Receveurs Généraux de Département, pour être tenus à la disposition des Préfets, et être employés, sur leurs mandats, aux dépenses variables ci-après, savoir ;

Loyers des hôtels de préfecture, contribution, acquisition, entretien et renouvellement du mobilier ;

Dépenses ordinaires des Prisons, dépôts, secours et ateliers pour remédier à la mendicité ;

Casernement de la Gendarmerie ;

Loyers, mobilier et menues dépenses des Cours et Tribunaux ;

Travaux des Bâtimens des Préfectures, Tribunaux, Prisons, dépôts, casernes et autres édifices Départementaux ;

Travaux des routes Départementales et autres d'intérêt local, non compris au Budget des ponts-et-chaussées ;

Enfans trouvés et enfans abandonnés, sans préjudice du concours des Communes, soit au moyen d'un prélèvement proportionnel à leur revenu, soit au moyen d'une répartition qui sera proposée par le Conseil Général sur l'avis du Préfet, et approuvée par le Ministre de l'Intérieur ;

Encouragemens et secours pour les pépinières, sociétés d'agriculture, artistes vétérinaires, cours d'accouchement et autres ;

Complément des dépenses faites et non payées sur les Exercices précédens ;

Dépenses diverses de toute nature.

Les dépenses variables ci-dessus seront établies dans un Budget dressé par le Préfet, voté par le Conseil Général, et définitivement approuvé par le Ministre de l'Intérieur.

Les 5 centimes restans seront versés au Trésor Royal, pour, à titre de fonds commun, être tenus à la disposition du Ministre Secrétaire d'Etat de l'Intérieur, et venir au secours des Départemens dont les [1819—20.]

dépenses variables excéderont le produit des 6 centimes et quart ci-dessus.

XXXIV. Les Conseils Généraux de Département pourront, en outre, et sauf l'approbation du Gouvernement, établir, pour les dépenses d'utilité Départementale, des impositions dont le montant ne pourra excéder 5 centimes du principal des contributions foncière, personnelle et mobilière de 1820, et dont l'allocation sera toujours conforme au vote du Conseil Général.

XXXV. Les produits de ces contributions extraordinaires seront recouvrés par les Receveurs des contributions directes, et versés dans les caisses des Receveurs-Généraux de Département, qui les tiendront à la disposition des Préfets, pour être employés conformément aux votes des Conseils Généraux, approuvés par le Gouvernement.

XXXVI. L'Etat de distribution du fonds de non-valeurs sera communiqué par les Préfets aux Conseils Généraux de Département et aux Conseils d'Arrondissement.

TITRE IV.—Fonds affectés au Service de la Dette constituée et de l'Amortissement.

XXXVII. Les produits nets de l'enregistrement, du timbre et autres droits accessoires, ceux des domaines et des forêts, les produits nets des douanes, des droits sur les sels, sont spécialement affectés au service de la dette constituée et de l'amortissement.

XXXVIII. La portion des produits nets ci-dessus qui restera libre après l'acquittement de toutes les charges relatives au service de la dette constituée, sera jointe aux autres produits des revenus ordinaires, pour concourir à l'acquittement des dépenses générales de l'Etat.

TITRE V.—Fixation des Recettes de l'Exercice 1820.

XXXIX. Le Budget des Recettes est fixé, pour Francs.
l'Exercice 1820, à la somme totale de 877,437,880
conformément à l'Etat C. ci-annexé.

Ladite somme sera, conformément audit état, applicable, savoir :

Aux dépenses votées par la Loi du 19 Juillet, 1820, ci	737,412,200
Aux non-valeurs des 4 contributions directes	5,361,375
Aux frais d'assiette et de recouvrement des contributions directes.....	24,764,845
Et aux frais de régie, d'exploitation, de perception des autres contributions	108,262,210

Total, Francs, 875,800,630

Excédant des recettes sur les dépenses 1,637,250

Somme égale, Francs, 877,437,880

TITRE VI.—*Dispositions générales.*

XL. Les charges et frais inhérens à la réalisation des impôts et revenus bruts de l'Etat seront définitivement ordonnancés par le Ministre des Finances.

XLI. Toutes contributions directes ou indirectes autres que celles autorisées par la présente Loi, à quelque titre et sous quelque dénomination qu'elles se perçoivent, sont formellement interdites, à peine, contre les autorités qui les ordonneraient, contre les Employés qui confectionneraient les rôles et tarifs, et ceux qui en feraient le recouvrement, d'être poursuivis comme concussionnaires, sans préjudice de l'action en répétition, pendant 3 Années, contre tous Receveurs, Percepteurs ou individus qui auraient fait la perception, et sans que, pour exercer cette action devant les Tribunaux, il soit besoin d'une autorisation préalable. Il n'est pas néanmoins dérogé à l'exécution des Articles IV, et VI, de la Loi du 28 Avril, 1816, relatifs aux contributions extraordinaires pour remboursement des dépenses de l'occupation militaire de 1815; et des Articles XXXIX, XL, XLI, XLII, et XLIII, de la Loi du 15 Mai, 1818, relatifs aux dépenses extraordinaires des Communes.

La présente Loi, discutée, délibérée et adoptée par la Chambre des Pairs, et par celle des Députés, et sanctionnée par nous cejourd'hui, sera exécutée comme Loi de l'Etat; voulons, en conséquence, qu'elle soit gardée et observée dans tout notre Royaume, Terres, et Pays de notre obéissance.

Si donnons en mandement à nos Cours et Tribunaux, Préfets, Corps Administratifs, et tous autres, que les présentes ils gardent et maintiennent, fassent garder, observer et maintenir, et, pour les rendre plus notoires à tous nos sujets, ils les fassent publier et enregistrer par-tout où besoin sera: car tel est notre plaisir; et afin que ce soit chose ferme et stable à toujours, nous y avons fait mettre notre Scel.

Donné à Paris, le 23^e jour du Mois de Juillet, de l'An de Grâce 1820, et de notre Règne le 26^{me}.

Par le Roi :

LOUIS.

Le Ministre Secrétaire d'Etat au Département des Finances,

Vu et scellé du Grand Sceau :

ROY.

Le Pair de France, Sous-Secrétaire d'Etat au Département de la Justice chargé du Portefeuille du Ministère,

CTR. PORTALIS. *

Etat A. Tableau des Contributions directes à imposer en principal et Centimes Additionnels, pour l'Exercice 1820.

DESTINATION DISTINCTE DES PRODUITS.	MONTANT DE CHAQUE CONTRIBUTION.							TOTAUX.	OBSERVATIONS.
	FONCIERE.		PERSONNELLE ET MOBILIERE.		PORTES ET FENETRES.		PATENTES.		
	Nombre de centimes addition- nels.	Francs.	Nombre de centimes addition- nels.	Francs.	Nombre de centimes addition- nels.	Francs.	Nombre de centimes addition- nels.	Francs.	
Produits Généraux.									
Principal des quatre contributions	—	168,127,716	—	27,161,023	—	12,812,469	(a) 17,531,240	225,632,448	(a) Le produit annuel des patentes est présumé de — 19,055,700
Centimes Additionnels	25	42,872,568	30	8,284,116	50	6,406,234	—	57,562,918	A déduire pour non-valeurs et attributions aux communes, 8 p. 100 — 1,524,460
Sans affectation spéciale	—	—	—	—	—	—	—	—	Reste — 17,531,240
Pour dépenses départementales fixes, communes à plusieurs Départemens	64	—	—	—	—	—	—	—	(b) Y compris environ 350,000 francs pour frais de confection de roles.
Pour dépenses variables des Départemens	64	—	—	—	—	—	—	—	(c) Cette somme de 1,524,460 francs fait partie du principal des patentes et en a été déduite plus haut.
Pour fonds communs des mêmes Départemens	5	31,103,630	18	5,024,788	—	—	—	36,128,418	(d) Non compris environ 24,000,000 pour les articles portés pour mémoire.
Pour secours, grêle, incendie	—	—	—	—	—	—	—	—	
Centimes Additionnels facultatifs à voter par les Conseils Généraux (maximum, 5 centimes)	—	Mémoire	—	Mémoire.	—	—	—	Mémoire.	
Produits affectés aux Non-valeurs, Dépenses des Communes, Réimpositions et Frais de perception.									
Centimes Additionnels.	1	1,681,277	1	271,611	10	(b) 1,231,247	—	3,234,135	
Pour Non-valeurs et dégrèvements	—	—	—	—	—	—	—	—	
Pour Non-valeurs et attributions aux Communes sur les Patentes	—	—	—	—	—	—	5	2,477,240	
Pour dépenses ordinaires des communes (5 centimes)	—	Mémoire.	—	—	—	—	—	Mémoire.	
Pour dépenses extraordinaires des Communes	—	—	—	—	—	—	—	Mémoire.	
Pour réimpositions	—	—	—	—	—	—	—	—	
Totaux (non compris les pour mémoire.)	45	243,785,191	50	40,741,538	60	20,499,950	5	325,035,159	
Centimes Additionnels, sur principal et centimes réunis :									
Traitemens et taxations des Receveurs Généraux et particuliers (par évaluation)	—	1,900,000	—	350,000	—	170,000	—	2,500,000	
Remises des percepteurs	2 à 5	10,923,000	2 à 5	1,966,000	2 à 5	848,841	2 à 5	14,364,841	
Totaux généraux — France	—	256,608,191	—	44,057,538	—	21,518,791	—	(d) 341,900,000	

(Etat C.)—Budget Général des Revenus de l'Etat pour l'Exercice 1820.

DESIGNATION DES REVENUS ET IMPOTS.	Produits bruts présumés.	Frais de Recie, de Perception, d'exploita- tion, non- valeurs, &c.	Produits nets à verser au Trésor Royal.
<i>Produits affectés à la Dette consolidée.</i>	Francs.	Francs.	Francs.
Enregistrement, timbre et domaine - - - -	158,986,500	11,986,500	147,000,000
Coupes de bois - - - - -	17,047,400	3,047,400	14,000,000
Douanes et sels (y compris, pour ordre, en recette et en dépense, 2,000,000 francs, montant présumé des amendes et confiscations attribuées en entier aux frais de procédure, à la caisse des retraites et aux saisisans) - - - - -	111,013,000	25,676,300	85,339,700
TOTAUX - Francs	287,046,900	40,710,200	246,336,700
<i>Produits affectés aux Dépenses générales de l'Etat.</i>			
Excédant éventuel des produits ci-dessus sur le service de la dette consolidée - - - - -	- -	- -	Memoire.
Contributions indirectes (y compris, pour ordre, en recette et en dépense, 1,350,000 francs, montant présumé de la portion des amendes et confiscations attribuée aux frais de procédure, à la caisse des retraites et aux saisisans) - - - - -	189,666,300	49,666,300	140,000,000
Postes - - - - -	23,790,710	11,693,710	12,097,000
Loterie - - - - -	14,000,000	5,000,000	9,000,000
Retenues sur les traitemens - - - - -	5,600,000	- -	5,600,000
Produits divers. { Recettes diverses et intérêts de fonds publics appartenant au Trésor - - - - - 11,574,670	15,433,970	1,192,000	14,241,970
Arrérages, du 1er Juin, au 31 Dec. 1820, des 6,615,944 francs, de rentes retrocédées par les étrangers - - - - - 3,859,300	341,900,000	30,126,220	311,773,780
Contributions directes - - - - -			
TOTAUX - Francs	590,390,980	97,678,230	492,712,750
<i>Récapitulation des Recettes.</i>			
Produits affectés :			
A la dette consolidée - - - - -	287,046,900	40,710,200	246,336,700
Aux dépenses générales de l'Etat - - - - -	590,390,980	97,678,230	492,712,750
Montant présumé des produits propres à l'Exercice 1820 - - - - -	877,437,880	138,388,430	739,049,450
Recette pour ordre :			
Revenus de l'Instruction publique - - - - -	- -	1,994,400	5,148,740
Direction générale des poudres et salpêtres - - - - -	- -	3,154,340	
Total Général - Francs	- -	- -	744,198,190

Certifié conforme :

Le Ministre Secrétaire d'Etat au Département des Finances,

ROY.

PROCLAMATION du Roi de France aux Français, au sujet de la Nouvelle Loi pour les Elections.—Le 25 Octobre, 1820.

Au Château des Tuileries, le 25 Octobre, 1820.

LOUIS, par la Grâce de Dieu, Roi de France et de Navarre, à tous ceux qui ces présentes verront, Salut.

FRANÇAIS,

AU moment où la Loi qui garantit à vos suffrages une entière indépendance, qui assure à vos intérêts une plus juste représentation, va recevoir son exécution pour la première fois, je veux que vous entendiez ma voix.

Les circonstances sont graves.

Regardez chez vous, autour de vous : tout vous dira vos dangers, vos besoins et vos devoirs.

Une liberté forte et légitime vous est acquise ; elle est fondée sur des Lois émanées de mon amour pour mes Peuples et de mon expérience des temps où nous vivons. Avec ces Lois, il dépend de vous d'assurer le repos, la gloire et le bonheur de notre commune Patrie ; vous en avez la volonté, sachez la manifester par vos choix. La liberté ne se conserve que par la sagesse et la loyauté : écarterez des nobles fonctions de Député les fauteurs de troubles, les artisans de discorde, les propagateurs d'injustes défiances contre mon Gouvernement, ma famille et moi ; et s'ils vous demandaient pourquoi vous les repoussez, montrez-leur cette France, si accablée il y a 5 ans, si miraculeusement restaurée depuis, touchant enfin au moment de recevoir le prix de tant de sacrifices, de voir ses impôts diminués, toutes les charges publiques allégées ; dites-leur que ce n'est pas quand tout fleurit, tout prospère, tout grandit dans votre Patrie, que vous entendez mettre au hasard de leurs rêves insensés, ou livrer à leurs desseins pervers, vos arts, votre industrie, les moissons de vos champs, la vie de vos enfans, la paix de vos familles, une félicité enfin que tous les Peuples de la terre envient.

De toutes parts s'offrent à vos suffrages une foule de Citoyens, amis sincères et zélés de la Charte, également dévoués au Trône et à la Patrie, également ennemis du despotisme et de l'anarchie. Choisissez parmi eux, vos Députés affermiront avec moi l'ordre, sans lequel nulle société ne peut exister, j'affermirai avec eux ces libertés qui toujours ont eu pour asile le Trône de mes aïeux, et que deux fois je vous ai rendues.

Le monde attend de vous de hautes leçons, et vous les lui devez d'autant plus que vous les avez rendues nécessaires. En offrant aux Peuples le spectacle de cette liberté qui remue si puissamment les âmes, vous leur avez donné le droit de vous demander compte des

écarts dans lesquels elle pourrait les entraîner : enseignez-leur donc à éviter les écueils dont votre route a été semée, et montrez leur que ce n'est pas sur des ruines et des débris, mais sur la justice et le respect des droits, que les institutions libres se fondent et s'affermissent.

C'est ainsi que, marchant à la tête de la civilisation, la France, au milieu des agitations qui l'environnent, doit rester calme et confiante. Unie avec son Roi, ses prospérités sont au-dessus de toute atteinte. L'esprit de faction pourrait seul les compromettre. S'il ose se produire, il sera réprimé : dans l'enceinte des Chambres, par le patriotisme des Pairs et des Députés ; hors des Chambres, par la vigilance des Magistrats, la fermeté de tout ce qui est armé pour protéger, maintenir la paix publique, et sur-tout par mon inébranlable volonté.

Français, vous m'avez donné de récents témoignages de vos nobles et généreux sentimens ; vous avez partagé les consolations que la Providence vient d'envoyer à moi et à ma famille : que ce gage de perpétuité que le ciel donne à la France, soit aussi l'heureux gage de la réunion de tous les hommes qui veulent sincèrement les Institutions que je vous ai donnée, et avec elles l'ordre, la paix, le bonheur de la Patrie.

Donné au Château des Tuileries, le 25 Octobre de l'An de Grâce 1820, et de notre Règne le 26^{me}.

LOUIS.

Par le Roi :

Le Président du Conseil des Ministres,

RICHELIEU.

LOI des Pays Bas, qui règle la Première Partie du Budget des Dépenses, à partir de 1820.—27 Avril, 1820.

Nous, Guillaume, par la grâce de Dieu, Roi des Pays Bas, Prince d'Orange Nassau, Grand Duc de Luxembourg, etc. etc. etc.

A tous ceux, qui les présentes verront, salut ! savoir faisons :

Ayant pris en considération, que d'après les Articles CXXII et CXXIII de la Loi Fondamentale, le Budget des Dépenses du Royaume sera divisé en 2 parties ; que cette division devra être faite pour l'an 1820, ou plutôt si les circonstances le permettent ; que la première partie contiendra toutes les Dépenses ordinaires fixes et constantes, qui résultent du cours habituel des choses et se rapportent plus particulièrement à l'état de paix ;—que ces Dépenses, étant approuvées par les Etats-Généraux, ne sont pas soumises pendant les 10 premières années à un consentement ultérieur et annuel, et que, pendant ce période, elles ne deviennent le sujet d'une nouvelle délibération, que lorsque le Roi fait connaître qu'un objet de dépense a cessé ou varié ;

A ces causes, notre Conseil d'Etat entendu, et de common accord avec les Etats Généraux, avons statué comme nous statuons par les présentes :

La première partie du Budget des Dépenses, à partir de 1820, est arrêtée comme suit :

	Florins.
CHAP. I. Liste Civile	2,600,000 00
II. La Secrétairerie d'Etat, les Grands Corps de l'Etat et les Fonctionnaires qui ne font partie d'aucun Département d'Administration.....	1,005,143 00
III. Département des Affaires Etrangères.	678,790 00
IV. Département de la Justice.....	246,500 00
V. Département de l'Intérieur et du Waterstaat.....	2,267,553 42
VI. Département du Culte réformé et autres, excepté le Culte Catholique.	1,325,755 65
VII. Département du Culte Catholique	1,826,859 58
VIII. Département pour l'Instruction Publique, l'Industrie Nationale et les Colonies.....	1,022,355 09
IX. Département des Finances.....	26,829,742 67
X. Département de la Marine.....	5,395,291 34
XI. Département de la Guerre.....	16,677,062 17
Total, Florins...	<u>59,875,052 89</u>

La présente Loi sera insérée au Journal Officiel.

Donné à la Haye, le 27 Avril de l'an 1820, et de notre Règne le 7^{ème}.

GUILLAUME.

Par le Roi :

J. G. DE MEY VAN STREEFKERK.

LOI des Pays Bas, qui détermine les moyens de faire face aux Dépenses comprises dans la Première Partie du Budget arrêté, à partir de 1820.—27 Avril, 1820.

Nous, Guillaume, par la grâce de Dieu, Roi des Pays Bas, Prince d'Orange Nassau, Grand Duc de Luxembourg, etc. etc. etc.

A tous ceux, qui les présentes verront, salut ! savoir faisons :

Ayant pris en considération, que d'après les Articles CXXII, CXXIII, et CXXIV de la Loi Fondamentale, le Budget des Dépenses du Royaume sera divisé en 2 parties ; que cette division devra être faite pour l'an 1820, ou plutôt si les circonstances le permettent ; que la première partie contiendra toutes les Dépenses ordinaires, fixes et constante, qui résultent du cours habituel des choses, et se rapportent plus particulièrement à l'état de paix ; que ces Dépenses, étant approuvées

par les Etats Généraux, ne sont pas soumises pendant les 10 premières années à un consentement ultérieur et annuel; et que pendant ce période elles ne deviennent le sujet d'une délibération, que lorsque le Roi fait connaître qu'une objet de dépense a cessé ou varié; qu'en arrêtant cette Partie du Budget, on détermine en même-temps les moyens d'y faire face; que ces moyens sont également arrêtés pour 10 ans, et demeurent invariables, à moins que le Roi ne fasse connaître qu'il est nécessaire de remplacer ou de modifier un de ces moyens;

A ces causes, notre Conseil d'Etat entendu et de commun accord avec les Etats Généraux, avons statué, comme nous statuons par les présentes :

Art. I. Pour faire face aux Dépenses du Royaume, compris dans la première partie du Budget arrêté, à partir de 1820, seront employés les moyens suivans :

a. Les Contributions directes, comme elles sont déterminées ci-après.

b. Les droits d'enregistrement, de timbre, de greffe, d'hypothèque, et de succession.

c. Deux tiers des droits d'entrée et de sortie, (y compris les péages sur les rivières), ainsi que des accises.

d. Le droit de garantie des ouvrages d'or et d'argent.

e. Les Revenus des Postes.

II. La Contribution foncière, celles personnelle et mobilière et des portes et fenêtres, ainsi que le droit de patente, seront répartis, assis et levés, et le recouvrement en sera fait par 12^{ème} et par mois dans chaque année, le tout conformément aux Lois et Réglemens existans.

III. Le principal des Contributions ci-après dénommées, est fixé, savoir :

	Florins.
Pour la Contribution foncière à.....	16,028,160 00
Pour la Contribution personnelle et mobilière à.....	2,706,380 00
Pour la Contribution des portes et fenêtres à.....	1,561,240 00

Ce principal sera réparti entre les Provinces pour l'année 1820, conformément à l'Etat annexé à la présente Loi. La répartition entre les Provinces sera l'objet d'une nouvelle délibération pour les années suivantes.

IV. En sus du principal mentionné à l'Article III, il sera perçu sur lesdites Contributions, savoir :

Sur les Contributions foncière, et personnelle et mobilière, 23 centièmes additionnels pour couvrir les non-valeurs et les Dépenses générales administratives et judiciaires.

Sur la Contribution des portes et fenêtres, 10 centimes, pour frais de confection des rôles et fonds de non-valeurs.

Les remises ordinaires des percepteurs.

V. Les 5 centièmes additionnels sur le principal des Contributions foncière, et personnelle et mobilière, pour Dépenses communales, con-

tinueront d'être perçus jusqu'à ce que d'autres dispositions par rapport aux impositions communales, aient été approuvées par nous.

VI. Les droits d'enregistrement, de greffe, de timbre, et d'hypothèque, avec le 10^{ème} en sus,—le droit de succession, les droits d'entrée et de sortie, et les accises, tels qu'ils sont compris dans l'Article I, ainsi que le droit de garantie des ouvrages d'or et d'argent, seront levés et perçus, conformément aux Lois et Règlements existans, jusqu'à ce que d'autres dispositions législatives aient été prises à cet égard.

Mandons et ordonnons que la présente Loi soit insérée au Journal Officiel, et que nos Ministres et autres Autorités qu'elle concerne, tiennent strictement la main à son exécution.

Donné à la Haye, le 27 Avril de l'an 1820, et de notre Règne le 7^{ème}. GUILLAUME.

Par le Roi :

J. G. DE MEY VAN STREEFKERK.

ETAT contenant la répartition des Contributions Foncière, Personnelle et Mobilière, et des Portes et Fenêtres, entre les différentes Provinces du Royaume, pour l'an 1820.

PROVINCES.	CONTRIBUTION FONCIERE.			Person- nelle et mobilière.	Portes et Fenêtres.
	Propriétés non-baties.	Propriétés baties.	TOTAL.		
	Florins.	Florins.	Florins.		
Brabant (Septentrional) -	539,890 00	160,940 00	700,830 00	132,650 00	71,110 00
Brabant (Mérional) -	Propriétés non baties et baties.		1,110,380 00	244,760 00	133,480 00
Limbourg -	Idem.		481,370 00	108,360 00	55,650 00
Gueldre -	486,910 00	164,910 00	651,820 00	117,590 00	53,510 00
Liège -	Propriétés non baties et baties.		615,090 00	186,910 00	85,220 00
Flandre (Orientale) -	Idem.		1,684,470 00	303,000 00	169,910 00
Flandre (Occidentale) -	Idem.		1,415,600 00	258,280 00	109,060 00
Hainaut -	Idem.		905,420 00	181,780 00	107,570 00
Hollande (Mérionale) -	1,039,360 00	937,180 00	1,976,540 00	269,510 00	175,600 00
Hollande (Septentrionale) -	579,580 00	1,373,930 00	1,953,510 00	269,940 00	218,920 00
Zélande -	434,670 00	104,370 00	539,040 00	60,350 00	48,370 00
Namur -	Propriétés non baties et baties.		347,440 00	70,010 00	29,580 00
Anvers -	Idem.		718,940 00	154,950 00	164,910 00
Utrecht -	316,230 00	223,430 00	519,660 00	57,480 00	37,650 00
La Frise -	984,660 00	194,340 00	1,179,000 00	94,080 00	47,140 00
Overyssel -	243,030 00	91,250 00	334,340 00	67,140 00	26,400 00
Groningue -	366,410 00	118,510 00	485,220 00	70,880 00	38,000 00
Drenthe -	74,980 00	18,530 00	93,510 00	17,950 00	8,250 00
Luxembourg -	Propriétés non baties et baties.		315,980 00	40,760 00	40,910 00
Total - Florins.			16,028,160 00	2,706,380 00	1,561,240 00

LOI des Pays Bas, qui régle la Seconde Partie du Budget des Dépenses du Royaume pour l'Année 1820.—27 Avril, 1820.

Nous, Guillaume, par la grâce de Dieu, Roi des Pays Bas, Prince d'Orange-Nassau, Grand Duc de Luxembourg, etc. etc. etc.

A tous ceux qui les présentes verront, salut ! savoir faisons :

Ayant pris en considération, que d'après les Articles CXXII et CXXVI de la Loi Fondamentale, le Budget des Dépenses du Royaume sera divisé en 2 parties ; que cette division devra être faite pour l'année 1820, ou plutôt si les circonstances le permettent ; que la seconde partie contiendra les Dépenses extraordinaires, imprévues et incertaines, qui, surtout en temps de guerre, doivent être réglées d'après les circonstances, et que les Dépenses ne sont arrêtées que pour un an ;

A ces causes, notre Conseil d'Etat entendu, et de commun accord avec les Etats Généraux, avons statué comme nous statuons par les présentes :

ART. I. La seconde partie du Budget des Dépenses du Royaume, pour l'Année 1820, est arrêtée comme suit :

CHAP. I. Liste Civile *Mémoire.*

II. La Secrétairerie d'Etat, les Grands Corps de l'Etat et les Fonctionnaires qui ne font partie d'aucun Département d'Administration.....	267,200 00
III. Département des Affaires Etrangères...	71,500 00
IV. Département de la Justice	3,811,210 88
V. Département de l'Intérieur et du Waterstaat.....	2,309,687 50
VI. Département du Culte Réformé et autres, excepté le Culte Catholique.....	11,150 00
VII. Département du Culte Catholique.....	101,255 05
VIII. Département pour l'Instruction Publique, l'Industrie Nationale et les Colonies	885,525 00
IX. Département des Finances.....	10,972,119 48
X. Département de la Marine.....	101,685 71
XI. Département de la Guerre	2,783,148 17

Total...Florins 21,314,481 79

II. Afin de pourvoir aux besoins imprévus, qui pourraient se présenter dans le cours de l'année, 1820, il est mis à la disposition du Roi un maximum de 1,000,000 Florins, à couvrir en premier lieu, par le résidu, que les Dépenses susmentionnées pourront laisser sur les sommes consenties : en cas d'insuffisance de ce résidu, la partie restante sera portée au nombre des Dépenses extraordinaires d'une année subséquente.

La présente Loi sera insérée au Journal Officiel.

Donné à La Haye, le 27 Avril de l'an 1820, et de notre Règne le 7^{ème}.

Par le Roi :

GUILLAUME.

J. G. DE MEY VAN STREEFKERK.

LOI des Pays-Bas, qui détermine des Moyens pour faire face aux Dépenses comprises dans la Seconde Partie du Budget des Dépenses du Royaume, pour l'Année 1820.—27 Avril, 1820.

Nous Guillaume, par la Grâce de Dieu, Roi des Pays-Bas, Prince d'Orange-Nassau, Grand-Duc de Luxembourg, etc. etc. etc.

A tous ceux, qui les présentes verront, salut ! savoir faisons :

Ayant pris en considération, que d'après les Articles CXXII et CXXVI de la Loi Fondamentale, le Budget des Dépenses du Royaume sera divisé en 2 parties ; que cette division devra être faite pour l'an 1820, ou plutôt si les circonstances le permettent ; que la seconde partie contiendra les Dépenses extraordinaires, imprévues et incertaines, qui, surtout en temps de Guerre, doivent être réglées d'après les circonstances, et que ces Dépenses ainsi que les moyens d'y faire face, ne seront arrêtées que pour un an ;

A ces causes, le Conseil d'Etat entendu, et de commun accord avec les Etats Généraux, avons statué comme nous statuons par les présentes :

ART. I. Pour faire face aux Dépenses du Royaume, comprises dans la seconde partie du Budget pour l'année 1820, seront employés les moyens ci-après indiqués :

a. La partie des contributions directes, formant le montant des 40 pour cent, dont les contributions personnelle et mobilière et de portes et fenêtres ont été augmentées depuis l'année 1816.

b. Les 3 centièmes et un tiers sur le principal de la contribution foncière pour la confection du cadastre parcellaire.

c. Un tiers des droits d'entrée et de sortie, (y compris les péages sur les rivières), ainsi que des accises.

d. Les Revenus des domaines, plantations, eaux et forêts.

e. Les produits des 2 loteries. Et

f. Les versements pour cautionnemens, le produit des ventes des clous de girofles et essences, les revenus provenant de l'Exercice de la chasse ; le produit des ventes d'effets superflus des Départemens de la Guerre et de la Marine, et en général toutes rentrées accidentelles et restitutions.

II. Le principal des contributions personnelle et mobilière et des portes et fenêtres, en ce qui concerne la partie de ces contributions destinée par l'Article précédent à faire face aux Dépenses, comprises dans la seconde partie du Budget de l'année 1820, est fixé..... savoir :

Pour la contribution personnelle et mobilière à 1,082,550 florins.

Pour la contribution des portes et fenêtres à 624,500 florins.

Ce principal sera réparti entre les Provinces dans la même proportion, et perçu avec les remises ordinaires des percepteurs, sur le même

pieu que la partie desdites contributions, destiné à faire face aux Dépenses dans la première partie du Budget du Royaume, arrêté, à partir de 1820.

III. Toutes les dispositions de la Loi, qui détermine les moyens de faire face aux Dépenses comprises dans la première partie du Budget du Royaume, arrêté, à partir de 1820, en ce qui regarde la perception des centièmes additionnels et des remises des percepteurs, seront applicables à la partie des contributions personnelle et mobilière, et des portes et fenêtres, mentionnée à l'Article qui précède.

IV. Les 3 centièmes et un tiers sur la contribution foncière, pour la confection du cadastre parcellaire, seront répartis et perçus, avec les remises ordinaires des percepteurs y appartenans, en même-temps que ladite contribution.

V. Le tiers des droits d'entrée et de sortie et des accises sera perçu de la même manière, et en même-temps, que les 2 tiers de ces moyens destinés à faire face aux Dépenses comprises dans la première partie du Budget du Royaume, arrêté à partir de 1820.

VI. Il sera pourvu ultérieurement, par des dispositions législatives, à la différence entre la somme de 17,754,390 62 florins, à laquelle est évalué le produit des moyens désignés dans le premier Article de la présente Loi, et le montant présumé des Dépenses comprises dans la Loi, qui règle la seconde partie du Budget des Dépenses pour l'année 1820.

Mandons et ordonnons que la présente Loi soit insérée au Journal Officiel, et que nos Ministres et autres Autorités qu'elle concerne, tiennent strictement la main à son exécution.

Donné à La Haye, le 27 Avril de l'an 1820, et de notre Règne le 7^{ème}.

Par le Roi :

GUILLAUME.

J. G. DE MEY VAN STREEFKERK.

LOI des Pays Bas, qui détermine les Moyens de faire face aux Dépenses comprises dans la Seconde Partie du Budget des Dépenses du Royaume pour l'Année 1821.—24 Décembre, 1820.

Nous Guillaume, par la grâce de Dieu, Roi des Pays Bas, Prince d'Orange Nassau, Grand Duc de Luxembourg, etc. etc. etc.

A tous ceux qui les présentes verront, salut ! savoir faisons :

Ayant pris en considération que, d'après l'Article CXXVI de la Loi Fondamentale, les moyens de faire face aux Dépenses qui appar-

tiennent à la seconde partie du Budget, ne sont arrêtés que pour un an, et que par conséquent il convient d'arrêter ces moyens pour 1821.

A ces causes, notre Conseil d'Etat entendu, et de commun accord avec les Etats Généraux, avons statué comme nous statuons par les présentes.

ART. I. Pour faire face aux Dépenses du Royaume, comprises dans la seconde partie du Budget pour l'Année 1821, seront employés les moyens ci-après indiqués :

a. La partie des contributions directes, formant le montant des 40 pour cent, dont les contributions personnelle et mobilière et des portes et fenêtres ont été augmentées depuis l'Année 1816.

b. Les 3 centièmes et un tiers sur le principal de la contribution foncière pour la confection du cadastre parcellaire.

c. Un tiers des droits d'entrée et de sortie y compris les péages sur les rivières, ainsi que des accises.

d. Les revenus des domaines, plantations, eaux et forêts.

e. Les produits des 2 loteries.

f. Le produit des ventes de clous de girofles et essences, les revenus provenant de l'exercice de la chasse, le produit des ventes d'effets superflus des Départemens de la Guerre et de la Marine, et en général toutes rentrées accidentelles et restitutions.

II. Le principal des contributions personnelle et mobilière et des portes et fenêtres, en ce qui concerne la partie de ces contributions destinées par l'Article précédent à faire face aux dépenses comprises dans la seconde partie du Budget de l'Année 1821, est fixé, savoir :

Florins.

Pour la contribution personnelle et mobilière, à..... 1,082,550

Pour la contribution des portes et fenêtres, à..... 624,500

Ce principal sera réparti entre les Provinces, dans la même proportion, et perçu avec les remises ordinaires des percepteurs, sur le même pied que la partie desdites contributions destinée à faire face aux Dépenses comprises dans la première partie du Budget du Royaume, arrêté à partir de 1820.

III. Toutes les dispositions de la Loi qui détermine les moyens de faire face aux Dépenses comprises dans la première partie du Budget du Royaume, arrêté à partir de 1820, en ce qui regarde la perception des centièmes additionnels et des remises des percepteurs, seront applicables à la partie des contributions personnelle et mobilière et des portes et fenêtres, mentionnée à l'Article qui précède.

IV. Les 3 centièmes et un tiers sur la contribution foncière, pour la confection du cadastre parcellaire, seront répartis et perçus avec les remises ordinaires des percepteurs y appartenans en même temps que ladite contribution.

V. Le tiers des droits d'entrée et de sortie et des accises sera perçu de la même manière et en même temps que les 2 tiers de ces moyens,

destinés à faire face aux Dépenses comprises dans la première partie du Budget du Royaume, arrêté à partir de 1820.

VI. Il sera pourvu ultérieurement, par des dispositions législatives à la différence entre la somme de fl. 17,010,290 62 à laquelle est évalué le produit des moyens désignés dans le 1^{er}. Article de la présente Loi, et le montant présumé des Dépenses comprises dans la Loi, qui règle la seconde partie du Budget des Dépenses pour l'Année 1821.

Mandons et ordonnons que la présente Loi soit insérée au Journal Officiel, et que nos Ministres et autres Autorités qu'elle concerne, tiennent strictement la main à son exécution.

Donné à Bruxelles, le 24 Décembre de l'an 1820, de notre Règne le 8 ème.

GUILLAUME.

Par le Roi :

J. G. DE MEY VAN STREEFKERK.

LOI des Pays-Bas, déterminant la manière de pourvoir à la différence entre les Moyens Extraordinaires et le montant présumé des Dépenses comprises dans la Seconde Partie du Budget de l'Année 1820.—24 Décembre, 1820.

Nous Guillaume, par la Grâce de Dieu, Roi des Pays-Bas, Prince d'Orange Nassau, Grand-Duc de Luxembourg, etc. etc. etc.

A tous ceux qui les présentes verront, salut ! savoir faisons :

Ayant pris en considération que par l'Article VI de la Loi du 27 Avril, 1820, qui détermine les moyens pour faire face aux Dépenses comprises dans la seconde partie du Budget pour l'année 1820, il est statué, qu'il sera pourvu ultérieurement, par des dispositions législatives, à la différence entre la somme de 17,754,390 62 florins, à laquelle est évalué le produit des moyens désignés dans le I^{er}. Article de ladite Loi, et le montant présumé des Dépenses comprises dans la Loi qui règle la seconde partie du Budget des Dépenses pour l'année 1820.

A ces causes, notre Conseil d'Etat entendu et de commun accord avec les Etats Généraux, avons statué comme nous statuons par les présentes :

ART. I. Il sera pourvu à la différence entre la somme à laquelle est évalué le produit des moyens désignés dans l'Article I de la Loi du 27 Avril, 1820, et le montant présumé des Dépenses comprises dans la Loi du même jour, au moyen de la création successive d'une somme suffisante de Dette active portant intérêt.

II. Les capitaux à inscrire d'après la disposition qui précède dans le grand livre de la dette active, feront sous tous les rapports partie

ordinaire de cette dette, avec jouissance de rente, à partir du premier jour du semestre dans lequel l'inscription aura lieu.

III. La dette active à créer en vertu de la présente Loi, ne pourra excéder la somme de 8,000,000 florins en Capital nominal et sera convertie en numéraire, par la Caisse d'Amortissement; un montant égal de la dite dette sera amorti successivement par la même caisse.

IV. Pour fournir à la Caisse d'Amortissement les moyens nécessaires à cet effet, ainsi que pour assurer le paiement des rentes, il sera porté annuellement, à partir de l'année 1822, à la seconde partie du Budget et fourni à ladite caisse une somme de 250,000 florins au moins; l'excédant que cette somme laissera, après que le paiement des rentes aura été couvert sera employé immédiatement à l'achat de Dette active, laquelle sera chaque fois amortie au 1 Janvier de l'année qui suivra l'acquisition.

V. Il sera justifié de l'usage fait des sommes provenant de l'inscription de Dette active autorisée par la présente Loi, dans le Compte annuel des Revenus et Dépenses du Royaume.

Les opérations faites par la Caisse d'Amortissement à cet égard seront consignées dans ses Comptes ordinaires par Chapitre séparé, et annuellement il sera fait annonce publique du montant de la Dette active amortie conformément aux dispositions de l'Article qui précède; ladite caisse ne pourra toutefois employer en aucun cas aux opérations dont s'agit, les capitaux ou Revenus annuels qu'elle possède actuellement, ou qu'elle obtiendrait à l'avenir, soit de ses propres fonds, soit aux termes de l'Article CXCIX de la Loi Fondamentale.

Mandons et ordonnons que la présente Loi soit insérée au Journal Officiel, et que nos Ministres et autres Autorités qu'elle concerne, tiennent strictement la main à son exécution.

Donné à Bruxelles, le 24 Décembre de l'an 1820, de notre Règne le 8^{me}.

Par le Roi :

GUILLAUME.

J. G. DE MEY VAN STREEFKERK.

CORRESPONDENCE between The United States and France, relative to the Commercial Relations between the Two Countries.—1818 to 1820.*

No. 1.—Mr. Gallatin to Mr. Adams.

(Extract.)

Paris, 21st May, 1819.

A SET of Officers is established, by Law, in every Port of France, known by the name of "Courtiers Interprètes, Conducteurs de Na-

* Communicated by the Secretary of State of The United States to the Committee of Commerce of the House of Representatives, 28th March, 1820.

vires," who have the exclusive right of acting as Ship Brokers, and as Interpreters in all transactions and declarations, written or verbal, relative to Vessels, whether with the Custom-houses or elsewhere. A Tariff, approved from time to time by the Minister of the Interior, determines their fees, which vary in the several Ports, but are always much greater for Foreign than for French Vessels. Several complaints having been made, both as to the principle and as to abuses flowing from that monopoly, M. Lainé, then Minister of the Interior, decided, in October, 1817, as being a correct interpretation of the Law, or a necessary exception to it, that every man might always act for himself, without the interposition of the Brokers, and that a Foreigner acting with the assistance of the Consul of his Nation must be deemed to act by himself.

Gross abuses had prevailed at Havre, where the Brokers had constantly extorted from the American Captains, fees more than double of those fixed by the Tariff, a circumstance which had not been communicated to me. Mr. Beasley, in the Summer of 1818, was induced to avail himself of the authority given by M. Lainé's decision, and soon acted in behalf of all the American Captains, who ceased to employ the Brokers. Their usual declarations were received in that way at the Custom-house; but rejected by the administration of the "Octroi." The Case having been stated to me, and the former abuses being at the same time brought to view, I made, in July and August last, the proper representations to the Duke of Richelieu. The administration of the "Octroi" was instructed to receive the Declarations of the Captains through the Consul or his Chancellor; a new Instruction, confirming the former one, was transmitted from the Department of the Interior; and the Duke of Richelieu, in a Letter of the 12th of September, 1818, gave me the assurance that the Brokers should be kept within the bounds of the Tariff, and that all abuses in that respect would be suppressed. Considering the point as settled, and having about that time departed for England, I did not trouble you with a communication of these details.

The Brokers, denying the power of the Minister of the Interior to give that construction to the Law, had, in the mean while, instituted a suit against one of the Captains, and against the Chancellor and Secretary of Mr. Beasley, for having infringed the provisions of the said Law. Mr. Beasley having intervened, as Consul, and declared that they had acted by his direction, it was expected that the Court would declare itself incompetent. This, however, has not taken place. The Tribunal of Havre rejected the interposition of the Consul, forbade the Chancellor and Secretary to interfere in future with the functions of the Brokers, and condemned them to pay the expenses of the Suit. On appeal to the Royal Court of Rouen, this Tribunal reversed the Decision of that of Havre, by admitting the Consul's intervention, but [1819—20.]

not considering the Letters of the Minister of the Interior as sufficient evidence, gave only an interlocutory Decree, by which Mr. Beasley was directed to produce, within 3 months, a Decision from the competent authority, showing that he was authorised to act, and to delegate his authority in the manner he had done it. The Brokers having appealed to the Court of Cassation, this last Court has confirmed the Decision of that of Rouen, on the special ground, that the contended for exception to the Law might result from a diplomatic arrangement, but not from a simple decision of the Minister of the Interior.

Previous to this Decree of the Court of Cassation, M. Decazes, now Minister of the Interior, had, on the 17th February last, rescinded M. Lainé's Decision of October, 1817, on the ground that the Law was peremptory; in consequence of which Mr. Beasley has ceased to act as Interpreter, and the Brokers again act exclusively as such. M. Decazes, by another Decision, of the 24th February, approved a new Tariff, by which the fees of the Brokers are more than doubled, and made about equal to those which they had formerly illegally exacted from the American Captains. Both Decisions were made without any previous notice to me, or to any other Foreign Minister, without any concert with the Department of Foreign Affairs, and without being brought before the Council of Ministers.

Several of the Foreign Ministers have made representations against those Decisions of M. Decazes. I was obliged to wait for the Decree of the Court of Cassation, and for a Copy of it, in order to bring before the Department of Foreign Affairs both the questions which arose from the Lawsuit, and in which we were alone concerned, and those more immediately belonging to the Broker's fees and exclusive privilege. I have now the honor to enclose Copies of the Letters which I have addressed to Marquis Dessolle on those subjects; and also of the Correspondence which had taken place last year.*

You will perceive that, with respect to the suit, I have asked, 1st a Special Decision from the King's Government, which shall satisfy the Court of Rouen, that Mr. Beasley had been duly authorized to act as he did, and thus put an end to the Suit now pending: 2d, a general Decision which may shelter our Consuls from any direct or indirect prosecutions, before "Correctional" or Criminal Tribunals, for their official acts. It must, on this last point, be observed, that no French Public Functionary can be either sued or prosecuted here, for any of his official acts, without the previous permission of the Council of State.

As to the other questions, I have asked, 1st, that our Consuls might act as Interpreters for their Countrymen in their transactions with the Custom-houses, and other Administrations: 2d, that the Tariff should be reduced and fixed at the same rate for American as for French

* See Page 730.

Vessels. In those several demands I have chiefly dwelt on the principle of reciprocity.

The questions relative to the Suit have, at my request, been referred to the Minister of Justice. I infer, from a long conference with M. Dessolle, that the Ministry will support M. Decazes in his construction of the Law, which they say cannot be modified, even by a subsequent Treaty, without the assistance of the Legislative Body.—M. Dessolle seemed to receive, more favorably, the application for a modification of the Tariff.

That Minister having no knowledge of the English language, I had hoped, by addressing him in French, to accelerate the decisions in the business to be transacted with him.

The Hon. John Quincy Adams.

ALBERT GALLATIN.

No. 2.—Mr. Gallatin to the Marquis Dessolle.—(Translation.)

SIR,

Paris, 5th May, 1819.

I HAVE the honor to transmit to your Excellency a Memorial, accompanied by 11 Documents addressed to you by Mr Beasley, Consul for The United States, at Havre, in relation to the differences between him and the Brokers, Interpreters of that Place, on the subject of which I had the honor to make communications to the Duke of Richelieu, in my several Letters of the 28th July, 3d and 10th of August, 1818.

It is proper that I should recal to your Excellency, that, in consequence of the Decision promulgated on the 25th October, 1817, declaring the right of every individual to act for themselves, and without the intervention of a Broker, in their own affairs, every Master of a Vessel, being a Foreigner, was considered as acting for himself, when accompanied by the Consular Agents of his Nation; it was, I say, solely in consequence of that Decision, that the Consul of The United States, at Havre, officiated as an intermediate Agent, either personally, or by his Chancellor, in making the customary declarations required of American Captains, by the administration of the customs and of the direct contributions. This Decision was further confirmed by one of the Ministers of the Interior, made upon a full investigation of the statements of the Brokers, and of my representations, and of the explanations furnished to him by His Excellency the Minister of Foreign Affairs.

The Brokers had, notwithstanding, instituted a Suit in the Tribunal of Correctional Police, at Havre, against Captain Cowell, an American, and Messieurs Taylor and Touret, the former the Chancellor, and the latter the Secretary, of the Consul of The United States, on the plea of their having made the customary Declarations to the Administration of the Customs, without resorting to them, and in conformity with the Decision of 25th October, 1817. It was to no purpose that the

Consul interposed, by taking up their defence, the Tribunal at Havre having, by Sentence of 26th August, 1818, set aside the interposition of the Consul, condemned Taylor and Touret to pay the Costs of the Suit, and forbade them to interfere with the duties of the Brokers in future.

On an Appeal to the Royal Court at Rouen, the correctional Sentence of the Court at Havre was reversed, by a Decree of 8th December, 1818; but it went no farther than to pronounce an interlocutory judgment, referring Messieurs Taylor and Touret to the competent authority, to decide, whether Mr. Beasley, as Consul of The United States, has a right to exercise the functions of a Ship-broker and Interpreter, in behalf of his Countrymen, in competition with the Persons appointed by the French Government; and, in that case, whether he has the right of delegating such functions to his Chancellor, or to his Secretary. This Decree was confirmed on the 26th of March 1819, by the Court of Cassation, to which the Brokers had appealed. For the text of these 2 Decrees, I beg leave to refer your Excellency to the Documents annexed to the Consul's Memorial.

I am aware that the Minister of the Interior, by a Circular, bearing date February 17, 1819, appears to have annulled the Decision of his Predecessor. But this measure is applicable only to the grounds of the question, and can have no retroactive effect on the incidental difficulty growing out of the Suit. It is not my intention to discuss the merits of the main question, at present. I will have the honour to present to your Excellency my remarks on that subject, in a distinct shape, and in a separate Note. My sole object at present, is, to support the request of the Consul, so far as it goes, to obtain, either from your Excellency, the Council of State, or from any other competent authority, an Official and formal Decision, which may serve to satisfy the Royal Court of Rouen, and terminate a vexatious Suit, which should never have been instituted.

It is not my intention now to request a Decision to that precise effect, which may authorize the Consul to act in future in behalf of his Countrymen, concurrently with the Brokers; but one, declaring his right to do so, as well at the period when he did so act, as on the 8th of December, the date of the Sentence of the Court at Rouen. Such a Decision is merely the declaration of the fact as it then stood; and the Consul having acted, as I have before remarked, strictly in conformity with the Decisions pronounced by His Majesty's Government, has an unquestionable right to its protection, from all Suits, founded on this pretence, either against him or his Chancellor.

By the Sentence of the Royal Court of Rouen, Messieurs Beasley, Taylor and Touret, were bound to abide by, or appeal from, the Decision to be given, within the term of 3 months, commencing from the 8th of December, 1818, the date of the Sentence. This term began

effectually only on the 26th of March, 1819, the day of the date of the Sentence of the Court of Cassation. I beg your Excellency will be pleased to recollect, that it will expire on the 26th of June, and that it is requisite that the Decision should be submitted to the Court at Rouen before that day.

To the request of the Consul, permit me, Sir, to add a few remarks, which are, however, intended to apply only to the Suit, and not to the grounds of the main question.

The Consuls of France, in The United States, could never have been exposed to what has been experienced by the American Consul at Havre. With a view to protect the Agents of Foreign Powers from local vexations, and to prevent their being dragged from Court to Court, it is provided, not by a temporary Law, but by the Constitution of The United States, that the Supreme Court, which, in cases of personal concern, is to be considered in the light of a Court of Cassation, should serve for all such Agents, and even for Consuls, as the first Court to bring Suit in; and the only one, in which, even in criminal Cases, they could be sued. In the cases in which other Courts have attempted to take cognizance of offences charged on a Consul, the Government has undertaken the defence, by committing it to the Attorney-General, whose duty it was made to oppose and prove the incompetency of the Court. This was the course taken in the case of Mr. Kosloff, Russian Consul, when under a criminal accusation. It has been further determined, that Consuls were not liable to prosecution for acts done in the performance of their duties;—a point on which, I think, M. Lescallier, late Consul of France in The United States, is enabled to give some information.

Thus we find, that, in The United States, where all the National Public Officers may be prosecuted for their official acts by any individual thinking himself aggrieved by them, Foreign Consuls enjoy a special information; whereas, here, the Consul of The United States has, in consequence of the Suit brought against his Chancellor, when acting by his orders, been actually prosecuted; and his Case has now, for 9 months, been pending in the Tribunals, for an official act, performed with the express sanction of the Government, and without the smallest interposition having yet been manifested in his favor.

The Suit has, however, been brought by Persons bearing a public character, whose conduct had necessitated the interference of the Consul of whom they complained. With my Note of the 10th of August, 1818, I transmitted to the Duke of Richelieu several original Documents, establishing the fact, that the Brokers-interpreters at Havre had obliged the Masters of 6 Vessels only, to pay a sum of 1,427 francs beyond what was authorised by the Tariff; and I proved that, in the course of 2½ Years, they must have illegally exacted and received from the American Commerce, nearly 70,000 francs more than

their lawful dues. The Duke of Richelieu, in his Letter of the 12th September following, gave me an assurance, that these abuses should, in future, be repressed. But the Owners and Captains, remotely situated as they are, were unable to commence 200 Suits against the Brokers for the recovery of the sums thus unjustly exacted ; and they, availing themselves of impunity, have become the complaining Party ; while, on the other hand, we see the Consul of The United States arraigned before the Tribunals.

Upon all these considerations, I conceive myself authorised to demand of His Majesty's Government, not only the special Decision required by the American Consul at Havre, to dismiss the present Suit, but, in addition, that the Consuls of The United States, who have His Majesty's Exequatur, be protected in the free and unmolested exercise of their duties, and no longer exposed to be sued *for their Official Acts* in Correctional or Criminal Courts.

I can offer the assurance, that, leaving to their Government the care of making such representations as may be necessary, the American Consuls will, in the discharge of their duties, confine themselves strictly within the limits prescribed by the established rules of His Majesty's Government.

I beg your Excellency, &c.

H. E. the Marquis Dessolle.

ALBERT GALLATIN.

No. 3.—Mr. Gallatin to the Marquis Dessolle.—(Translation.)

SIR,

Paris, 12th May, 1819.

By a Letter of the 25th of October, 1817, from the Ministry of the Interior, it was declared, in reference to the duties of Ship Brokers acting as Interpreters, that every Individual had the right of acting for himself, and without the intervention of a Broker, in his own business ; and, that every Foreign Master of a Vessel was considered as acting for himself, if attended by the Consular Agents of his Nation.

His Excellency the Minister of the Interior, relying upon the authority of the Law for the appointment of Brokers, revoked, by his Letter of 17th February, 1819, the Declaration above referred to. The question, relating to the duties attributed, by the Common Law of Nations, to Consuls, or, the exercise of which may, for reasons of convenience, be granted to them, remains untouched. Whether it be necessary, therefore, to annul a Law, unless it may have been modified by a diplomatic agreement, is a question which I shall not take upon me to discuss.

It is sufficient, that, by the Decision of the 17th February, 1819, it is admitted, that the Law may be so modified by Diplomatic Agreement :—a principle which has been further admitted by the Tribunals ; namely, by the Royal Court of Rouen, in a Decree of the 8th December, 1818 ; by the Court of Cassation, in one of the 26th of March,

1819, and in the Preambles thereto. I had the honor to enclose to your Excellency Copies of these Decrees, in my Note of the 5th instant.

No difficulty, therefore, can exist to the forming such diplomatic arrangements as the case may require. I thought, indeed, that this was the light in which what had been done in 1818 was viewed. The Decision of the Minister of the Interior, of the 31st of August, of that Year, explanatory of and confirming that of the 25th of October, 1817, was produced by the difficulties created by the Brokers, and by the representations addressed by me to his Excellency the Minister of Foreign Affairs; and was not given until the explanations communicated by him to the Minister of the Interior were fully considered. It might, therefore, be viewed as the result of a diplomatic arrangement; and, from the total silence of the Letter of the 17th of February, 1819, on that point, it is presumable that, on this occasion, neither the Letter of 31st August, 1818, nor the circumstances which produced it, were communicated to his Excellency the Minister of the Interior. However that may be, the exclusion which now affects the Consuls appears to be at variance with the principles generally received as forming the common Law of Nations; and is at once highly injurious to the American commerce, and contrary to the principle of reciprocity.

Without enlarging on the first point, I shall only remark, that the establishment of Consuls having originated in the aid and protection to be afforded by them to the commerce and interests of their Countrymen with the Local Authorities, the right of assisting them as Interpreters in the Custom-houses, Excise-Offices, and other administrations, seems to be a necessary part of their duties.

The serious inconveniences resulting to the American commerce, from the establishment of the Brokers-Interpreters, have been already stated in my former Notes; a proof of which is afforded by the simple fact of the interposition of the American Consuls. Receiving no salaries from their Government, they must necessarily receive a suitable compensation for their services, when required by their Countrymen; nor would they have been resorted to, but for the extravagant demands of the Brokers, which are to be traced to their possession of an exclusive right, and to the Tariff.

Although the fees payable to the Brokers have been regulated, yet there are unforeseen cases constantly occurring, which serve as a pretext for demanding an additional compensation for some service not specified in the Tariff. Enjoying a monopoly of the duty, their demands were unavoidably complied with. They even carried the practice so far, for several years, as to exact from the American Captains more than double the fees allowed by the Tariff. Of this fact I have exhibited proof in my Note to the Duke of Richelieu, of the 10th of

August last. This proceeding having been remonstrated against, they presented a demand to the Government to alter the Tariff, and raise their fees; a measure that would necessarily add to the burthens under which the trade already labored, and give the sanction of Law to the abuses so justly complained of.

But the Tariff itself, although requiring the approbation of the Government, is prepared and proposed by the Local Authorities, by the Chambers, and Tribunals of Commerce, which, being composed of French Merchants, throw the whole burthen upon the commerce of Foreigners. This Tariff, varying in different Ports of the Kingdom, is, however, uniformly higher for Foreigners than for Frenchmen.

As long as the establishment of the Brokers continues in force, upon its present footing, there is no other remedy, either for the rates laid down by the Tariff, or for the abuses practised under favour of the monopoly, than by resorting to the Consuls. Let the Brokers moderate their demands; let their compensation be proportioned to their services; and they alone will be employed. The right of the Consuls to act as Interpreters, in behalf of their Countrymen, will only be exercised in cases where the fees demanded, either in virtue of the Tariff, or otherwise, shall be found to be exorbitant. That right alone can effectually check abuses, and will be specially exercised for that purpose.

I pass on to the principle of reciprocity.

In The United States, as in France, extraordinary duties are laid by the Customs on foreign commerce, for the benefit of the Public Treasury. I must remark, however, that they are more moderate than in France, and that The United States, as I have on former occasions given the assurance, are ready to form a Convention with France, stipulating the repeal of these extraordinary duties by both Parties.

But, in The United States, when these duties are once paid, the Subjects of France and the Citizens of The United States are placed upon a perfect equality. All fees, for any service whatever, payable to Public Officers of every description, are precisely the same for both; and the Frenchman enjoys the right, in common with the American, of employing the services, as an Agent or Interpreter, of his Consignee, of one of his Clerks, or of any other Individual. In a word, the French Consul may act in all these different ways, in behalf of his Countrymen. Hence we see, that, in consequence of the facility enjoyed by Frenchmen to employ such Interpreters as they find most convenient, and of their total exemption from the vexations produced by monopoly and extortion, they seldom apply to their Consuls, whose interference is only required in cases of difference or dispute: their right, however, remains unimpaired, and has never been questioned.

I have, therefore, to request of your Excellency, that the Americans

shall be placed, by the Tariff, upon the same footing as Frenchmen, in regard to the fees payable to the Brokers-Interpreters; and that the Consuls of The United States shall enjoy the right of acting for their Countrymen, in the manner pointed out by the Declarations of the 25th October, 1817, and 31st August, 1818; and especially that they may assist them as Interpreters in the different Administrations, concurrently with the Brokers-Interpreters. I here offer the assurance that the most perfect reciprocity will, in every respect, be observed in The United States.

The Government of The United States has seen with satisfaction the great increase of the trade between the 2 Countries in the latter years; a point on which the French Custom-houses can furnish precise data. From America, I have none more recent than those published in 1816, in which year The United States imported, exclusive of wines, brandies, dried fruits, and other articles of that nature, to an amount of about 60,000,000 in merchandize, the produce of French industry. More than two-thirds of this consist of articles of modes and luxury, manufactured at Paris, and of Lyons' silks, exported from Havre. They imported into France at least an equal value in cotton and other raw materials. Your Excellency will doubtless concur with me in the opinion, that a trade so extensive and beneficial to both Nations should not be shackled by local vexations, or by those petty interests which have given rise to the representations forming the object of the present Note, and of that which I had the honor of addressing to you on the 5th of the present month.

I eagerly seize on this occasion to renew, &c.

H. E. the Marquis Dessolle.

ALBERT GALLATIN.

No. 4.—Mr. Gallatin to the Marquis Dessolle.—(Translation.)

SIR,

Paris, 14th May, 1819.

WHEN I had the honor to address to your Excellency my Note of the 12th instant, I was not informed that the Brokers-Interpreters at Havre, had obtained an alteration of the Tariff in their favor.

I am no less surprised than concerned to learn that, as far back as the 24th of February last, his Excellency the Minister of the Interior approved this new Tariff, which allows to the Brokers-Interpreters, for French Ships, when loaded, 50 centimes on every ton of goods entered, and 25 centimes at clearing: for Foreign Ships, 1 franc [100 centimes] per ton of measurement at entry, and, if they clear out with Cargo, 50 centimes per ton of goods.

By the former Tariff, American Ships, arriving from The United States, paid, altogether, from 50 to 90 centimes per ton.

An American Ship of 300 tons, which is about the medium tonnage of our Vessels employed in the trade to Havre, paid, according to the

former Tariff, 150 francs; and, according to the present, 450 francs on clearing out with Cargo, and 300 on clearing out in ballast.

By which it appears, that the Brokers are now authorized, by Law, to demand the exorbitant fees, which, for $2\frac{1}{2}$ years they had been receiving contrary to Law; and, instead of being punished for their violations of the Tariff, their extortions have received the sanction of the Law.

I had the honor, in my Note of the 10th of August, 1818, denouncing these abuses, to inform the Duke of Richelieu of the exertions then making by the Brokers to obtain this alteration of the Tariff; and I expressed the hope that they would be unavailing, and that no new burthen would be imposed on the American commerce.

The Duke of Richelieu, in his Answer of the 12th September following, says, "the Administration will take measures that they (the Brokers at Havre) shall strictly conform to the existing Tariff, and the abuses they may have committed shall be repressed."

Relying on this assurance, I was far from expecting that the Tariff would have been augmented without any previous notice.

I am persuaded that the greater part of these circumstances have been unknown, and that no hesitation will be felt in reducing and equalizing the Tariff, and giving the requisite attention to the representations contained in my Note of the 12th of the present month.

I request your Excellency to accept, &c.

H. E. The Marquis Dessolle.

ALBERT GALLATIN.

No. 5.—The Duke de Richelieu to Mr. Gallatin.—(Translation.)
SIR, *Paris, 12th September, 1818.*

I HAVE the honor to return to you the 7 original Acquittances enclosed in your Letter of the 10th of August last, relative to the charges exacted by the Brokers at Havre from American Vessels.

The Administration will take measures to enforce their strict observance of the existing Tariff, and to put a stop to the abuses that may have been practised by them.

Be pleased, Sir, to accept, &c.

Albert Gallatin, Esq.

RICHELIEU.

No. 6.—Mr. Gallatin to the Duke de Richelieu.
MONSIEUR LE DUC, *Paris, 28th July, 1818.*

I AM informed that his Excellency the Minister of the Interior addressed a circular Letter to the several Chambers of Commerce, bearing date the 25th of October, 1817, and intended to define the rights and duties of the Brokers-Interpreters, Conductors of Vessels. In that Letter are the following paragraphs, which I beg leave to transcribe from the Copy with which I have been furnished:

(Translation.)

"AN exception to these privileges occurs at once, upon considering the right attributed to every Individual of acting for himself, and without the intervention of a Broker, in his own concerns.

"So that no French Captain, no foreign Captain or Trader, who speaks French, is bound to employ a Broker, either in settling his freight or in making his declarations at the Custom-house, or, in fine, for any other formality whatever, if he acts in person.

"But, if he employs another, he is to resort to the Person designated by Law; he can only be assisted by a Broker, nor can the Custom-house admit any other.

"Nevertheless, Foreign Consuls, acting personally, or by their accredited Vice Consuls or Chancellors, have claimed the right of assisting the Ship Masters as well as other Persons of their Nation, and of acting for them as Interpreters; and it has been admitted that this was precisely one of the principal objects of their establishment. By virtue of this reciprocal privilege, every Foreign Ship Master is considered as acting in person when he is accompanied by the Consular Agents of his Nation, duly accredited; and that, whether he speaks the French language or not.

"In regard to Translations, it is exclusively the duty of the Broker to translate all Documents produced in disputes on commercial matters; but the exclusive right of Interpreters is not to be understood as extending to any other act, or to any other case." &c.

The Consul of The United States, at Havre, has accordingly assisted, lately, several American Captains in making the necessary Declarations at the Custom House, for the purpose only of entering and clearing the Vessels; but he has been interrupted in the exercise of those functions, which he thought, indeed, inherent to his Office, and which were so explicitly recognized by the Instructions above quoted.

The Officers of the Custom House, after some hesitation, and on the Consul's formal demand and making himself responsible for the consequences, have received the Declarations made by the Captains with his assistance; but the Brokers have not only entered a Protest, of which I have the honor to enclose a Copy; they have also, as therein intimated, actually brought Suits before the Tribunal of First Instance, against the American Captain and Consul's Chancellor.

The Controller of the indirect Contributions, (at one of whose Bureaux it is necessary to make Declarations of the Wines and Spirits which may be on board for the use of the Captain and Crew,) has positively refused to admit such Declarations through the Consul; and in a Letter, of which I have also the honor to inclose a Copy, he has intimated his determination to seize all American Vessels whose Captains shall not have made the Declarations with the assistance of the Brokers.

This refusal, and this determination on his part, rendering the Instructions of his Excellency the Minister of the Interior altogether nugatory, I beg leave to request of your Excellency, that such Orders may be given to the several Administrations and Authorities as will carry those Instructions into effect, and as may protect the American Consul and Captains against the proceedings with which they are threatened.

It is proper to add, that the Captains and Owners of French Vessels are at perfect liberty, in The United States, to use, in their transactions with the Custom House, or with any other Public Office, the assistance of the Consuls of their Nation; and to employ such Agents as they may think proper.

I request your Excellency to accept, &c.

H. E. the Duke de Richelieu.

ALBERT GALLATIN.

No. 7.—Mr. Gallatin to the Duke de Richelieu.

MONSIEUR LE DUC,

Paris, 3rd August, 1818.

I HAD the honor to write to your Excellency, on the 28th of last month, in relation to the opposition made to the Consul of The United States, at Havre, by the Controller of the Indirect Contributions, and by the Brokers of that Place; I have now that of transmitting a Copy of one of the Seizures made, by the Controller aforesaid, of part of the Stores of the American Vessels entered by the assistance of the Consul, and also a printed Copy of a Letter said to have been addressed, by the Brokers, to his Excellency the Minister of the Interior, and which has been published and circulated at Havre.

It does not belong to my functions to discuss the questions which the Brokers have raised, respecting the construction of the Laws of France, and the validity of the Orders which have emanated from His Majesty's Government. To those Orders, leaving it to the Minister of The United States to make such representations as the Case might require,—to those Orders the American Consul and Captains must and will always submit. But, whilst they act in conformity with such Orders, they are entitled to the protection of His Majesty's Government, and I beg leave to claim it for them in this instance.

Not only have they been summoned before the Tribunals for having made Declarations at the Custom House, which had been actually received as legal by its Officers, but the Controller of the Indirect Contributions has, by his refusal to receive Declarations made in the same manner, altogether defeated the object of the Circular of the Minister of the Interior; and he subjects the American Captains, by his seizure of Stores and Vessels, to indefinite expense and delays.

It is to this last circumstance that I wish more particularly to call your Excellency's attention at this moment, as a Letter from the Director General of the Indirect Contributions would, it is presumed, be

sufficient to compel the Officers of that Administration, at Havre, to comply with the Orders of Government, and to act in the same manner as the Custom House Officers.

Permit me, therefore, to request that Orders may be given to the Controller aforesaid, to receive the Declarations made at any of the Bureaux of his Administration, by the American Captains, with the assistance of their Consul, and to release the Stores, Vessels, or other Property, which may have been seized by his Orders, under color of such Declarations having been thus made, without the assistance of the Brokers.

The urgency of that measure induces me to confine this Letter to that sole object; but I may hereafter add to it some representations concerning the rate of Emoluments charged to American Vessels by the Brokers at Havre, and which has been the primary cause of the Consul's interference.

I request your Excellency to accept, &c.

H. E. the Duke de Richelieu.

ALBERT GALLATIN.

No. 8.—Mr. Gallatin to the Duke de Richelieu.

MONSIEUR LE DUC,

Paris, 10th August, 1818.

IN the Letter which I had the honor to address to your Excellency, on the 3rd of this month, I alluded to the illegal fees charged by the Brokers of Havre to the Captains of American Vessels.

I have now the honor to enclose a Copy of the Tariff, and some of the Brokers' Accounts, showing that their charges have considerably exceeded the rates fixed by it. These legal rates vary from 40 to 87½ centimes per ton, according to the size of the Vessels; and, taking the average of the 6 first months of this Year, would have amounted to 56½ centimes per ton. The Brokers have, for several Years, demanded 1 franc and 50 centimes per ton.

Prior to this Year this demand was always enforced without any reservation; in proof of which their books may be examined, and the enclosed accounts, No. 1 to 6, show, that in some instances, they have received even more. The difference between the legal charges, according to the Tariff, and those made and received by the Brokers, in these 6 Vessels alone, amounts to 1,427 francs, as appears from the following statement:

	Tons.	Due by the Tariff. Francs.	Charged by Brokers. Francs.
<i>Pocahontas</i>	280	150	570
<i>Ceylon</i>	210	135	350
<i>Chatsworth</i>	266	150	380
<i>Emmeline</i>	212	135	315
<i>Mary Augusta</i>	234	135	370
<i>Catharine</i>	178	120	267
In 6 Vessels	1,380	825	2,252

Although the statement of the Vessels entered at Havre, from 1st July, 1815, to the 31st December, 1817, is not in my possession, I believe that there could not have been, during that period, less than 300, measuring together about 75,000 tons, on which the legal charges of the Brokers, as fixed by the Tariff, could not have exceeded 45,000 francs, and on which they must have charged and received more than 110,000 francs.

In December last, the American Captains determined, with the advice of the Consul, to resist these exorbitant and illegal demands; and the Brokers so far yielded as to receive 1 franc per ton; they refused, however, to give final receipts, and made a reserve of the other 50 centimes, in case they should be adjudged to them. But they have lately again required the payment of 1 franc 50 centimes per ton, and have given receipts of the form exhibited in the account No. 7, and by which they oblige themselves to refund the 50 centimes, if they are not entitled to them by competent decision.

The statement of the American Vessels entered at Havre, from the 1st January to the 30th of June, 1818, is in my possession. They were in number 74, measuring 19,040 tons; on which the legal charge of the Brokers, according to the Tariff, was 10,720 francs, as appears by the following abstract:

From 90 to 120 tons, none.			Francs.
120 - 150	6 Vessels at 105 francs per Vessel,		630
150 - 200	11	120	1,320
200 - 250	19	135	2,565
250 - 300	15	150	2,225
300 - 350	16	165	2,640
350 - 400	3	180	540
400 and above	4	200	800
<hr/> 74 Vessels, by Tariff.			<hr/> Francs, 10,720 <hr/>

At the rate of 1 franc per ton, the Brokers have received, on these Vessels, 19,040 francs, or 8,320 francs beyond what they were entitled to: and their reserve of 50 centimes amounts to a further sum of 9,520 francs, which the Captains have also been obliged to leave in the hands of their Consignees. Lately, as has already been stated, the Brokers again demand the immediate payment of the whole, at the rate of 1 franc 50 centimes per ton.

These abuses were, till lately, but very partially known to me, and the Tariff was communicated only a few days ago. I am sure, that being now brought to the knowledge of your Excellency they will be suppressed, and their authors discountenanced. It is understood, that they are endeavouring, at this time, to obtain an alteration in the Tariff. It is hoped that this attempt will be defeated, and that no

new charges will be authorised on the American Commerce, whose growing importance is equally beneficial to both Countries, and which should not be impeded by such petty vexations.

Permit me to request, that the accounts, No. 1 to 7, being original Papers belonging to the Parties, may be returned to me.

I request your Excellency to accept, &c.

H. E. the Duke de Richelieu.

ALBERT GALLATIN.

No. 9.—Mr. Sheldon to Count d'Hauterive.

SIR,

Paris, 30th September, 1818.

THE Consul of The United States at Havre informs me that the Local Authorities there refuse to recognize the Chancellor of that Consulate, or to receive Declarations or other Official Papers presented by him, alleging that no Exequatur has been granted to him for the exercise of his functions.

The Consul himself has duly received the Exequatur of His Majesty, and, in the regular exercise of his official duty, appointed his Chancellor, by an Act or Commission under his hand and seal; this appointment belonging, under our Laws and usages, to the Consul alone. The appointment was made known to the Prefect of the Department, and the recognition of the Chancellor, by that Officer, was signified to the Consul, who supposed that no further formalities were requisite. But, either from some misapprehension on the part of the Local Authorities, or from a formality, the necessity of which, is now, for the first time, made known to this Legation, they require an Exequatur, or a superior order of some kind, to induce them to acknowledge the Chancellor of the Consulate officially. The Mayor of Havre is particularly mentioned as having demanded the Chancellor's Exequatur to be presented to him.

I have the honor to enclose the Commission furnished by the Consul of The United States at Havre to his Chancellor, and to request that an Exequatur, if the usages of France render it necessary for that affair, may be granted upon it, or that such orders may be given that he may be duly recognized by all the subordinate Authorities, with whom he may have occasion, in the discharge of his official duties, to have any intercourse.

I have the honor to be, &c.

Count d'Hauterive.

D. SHELDON.

No. 10.—Count d'Hauterive to Mr. Sheldon.—(Translation.)

SIR,

Paris, 17th October, 1818.

WITH the Letter you did me the honor to write to me on the 30th September last, I received the Document shewing the appointment of Mr. Thomas Taylor, as Chancellor of the Consulate of The United States, at Havre.

In transmitting it to me for the purpose of obtaining the Exequatur of the King, it may have escaped your recollection that Chancellors, not being entitled to that credential, it would be impossible for me to comply with your request.

That request appears, further, to be connected with particular circumstances, which have already been taken into consideration ; and, in consequence of the explanations given, both to the Minister of the Interior and to the Director-General of the Administration of the Customs, I infer, that the Chancellors of Foreign Consuls, residing in France, will, in future, experience no difficulty in the exercise of the duties specially assigned to them in that capacity.

I have the honor to return, inclosed, the Commission of Mr. Taylor.

Be pleased, sir, to accept the assurance, &c.

D. Sheldon, Esq.

D'HAUTERIVE.

No. 11.—Mr. Gallatin to Mr. Adams.

SIR,

Paris, 22d May, 1819.

A NEW quarantine of 10 days has again been laid on our Vessels, and I have again renewed my annual representation on that subject. I have the honor to inclose a Copy of my Letter to Marquis Dessolle ; who, in a conference, has promised to pay immediate attention to the subject. They are, at this moment, much alive to any thing connected with the importation of contagious diseases, a Swedish Vessel having lately arrived from Tunis to Marseilles with persons on board having actually the plague ; they, and the Vessel, are under strict confinement at the Lazaretto of Marseilles, and the circumstance has not been permitted to transpire publicly.

I have the honor to be, &c.

The Hon. John Quincy Adams.

ALBERT GALLATIN.

P. S. May 24th : M. Dessolle informed me, verbally, last evening, that it had been agreed to take off the Quarantine on our Vessels. An occurrence in relation to it, at Havre, induced me to write to him again on the subject to-day, and I annex a Copy of this Letter.

A. G.

No. 12.—Mr. Gallatin to the Marquis Dessolle.

MONSIEUR LE MARQUIS,

Paris, 17th May, 1819.

A QUARANTINE of 10 days has again been imposed on all Vessels arriving in France from any Port of The United States, even though such Vessels may have clean Bills of health. The *Nimrod*, arrived lately at Havre from New York, with 27 Passengers on board, is now in that situation. Those passengers are compelled to remain crowded on board the Vessel, without any possible result but that of perhaps creating instead of preventing sickness.

No contagious disease is known to prevail in any part of The United States. No other reason is assigned for this measure than the existence of a malignant fever at St. Domingo, Martinico, or Guadaloupe. This is the fourth time, within less than 4 Years, that a similar general measure has been adopted without sufficient motives. Every time, Government has listened to my representations and removed the Quarantine, but not till after considerable loss and inconvenience had been suffered by individuals.

I can only refer to my former Letters and briefly repeat their substance.

The yellow fever is essentially a tropical disease. A Year hardly elapses without its appearing in some of the West India Islands. This in itself, considering the distance and difference of climate, affords no reason whatever for laying under an interdict Vessels from The United States. It is only when that disease does actually extend to some of their Ports, that cautionary measures become useful and necessary, so far as relates to such Ports. The most southern Ports of The United States are, of course, on account of the great and long summer heats, most exposed. The yellow fever has never been known to exist north of the 43d degree of latitude; it has never, in any part of The United States, made its appearance before the latter part of the month of June; it always disappears with the first frost; it has not, during the last 14 Years, appeared once any where north of Charleston, in South Carolina.

Any Quarantine laid on Vessels coming with clean Bills of health from Ports of The United States, where no contagious disease is known to exist, is a measure wholly useless as it relates to the prevention of such diseases, and extremely prejudicial to the commercial intercourse between the 2 Countries. Whenever it is generally known, the passengers will be landed in England, and arrive 48 hours afterwards in France, without any other result than causing them some additional expense and inconvenience. As the delay of 10 days' Quarantine is an extra charge, equal to about 20 per cent in the freight, the Vessels will also be induced to land their Cargoes in England, whence the cotton will be brought in French Vessels to France. The expense will fall on the consumer, and in some instances the return Cargoes of the American Vessels will be purchased in England instead of France.

Such is nearly the substance of the arguments which have already, on former occasions, been successfully used with your Excellency's Predecessor. Last Year, during my absence, Mr. Sheldon having made a similar application, he was in answer informed, by a Letter of 28th September, 1818, from M. d'Hauterive, that the Quarantine was taken off, in pursuance of a decision taken by the Council of Ministers, and on the ground that no contagious disease then prevailed in The United States.

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3 B

The circumstances being now the same, I hope that the determination will be similar, and that the Quarantine will be taken off, and not hereafter be renewed, except with respect to such Ports as may at the time be afflicted with a contagious disease, and to such Vessels as may not have clean Bills of health.

I request your Excellency to accept, &c.

H. E. the Marquis Dessolle.

ALBERT GALLATIN.

No. 13.—Mr. Gallatin to the Marquis Dessolle.

MONSIEUR LE MARQUIS,

Paris, 24th May, 1819.

YOUR Excellency having informed me verbally, that the Quarantine on American Vessels had been removed, I had not intended to trouble you again on the subject; but I receive daily representations in relation to it, and every day's delay is attended with some new inconvenience. I am informed, by my Letters of the 22d, that one of the Passengers on board the *Ninrod*, named Bourguency, was released and permitted to proceed to Paris, by virtue of an Order from the Department of the Interior. This fact, provoking with respect to all the American Passengers, and mortifying to myself, whilst it proves, that no importance is attached by this Government to the Quarantine, makes me still more anxious to receive the official information that it has been in fact removed.

I pray your Excellency to accept, &c.

H. E. the Marquis Dessolle.

ALBERT GALLATIN.

No. 14.—Mr. Gallatin to Mr. Adams.

(Extract.)

Paris, 25th October, 1819.

I HAD the honor, in conformity with your request, to transmit, in my Despatches Nos. 40 and 51, Copies of the French Tariff, and of the Communications of our several Consuls on the subject of the extra duties and charges laid, in the Ports of France, on the Commerce of The United States. American Vessels are daily withdrawing from the Trade, and, if the evil is not corrected, the whole of the Commerce between the 2 Countries will soon be carried on, almost exclusively, in French Vessels. Our countervailing system of extra duties is wholly inefficient to protect our Navigation; and if they are still more increased on the same plan, the French duties continuing the same, the ultimate effect would be, that all our importations from France would be made in American, and all our exportations to France, in French Vessels. This, considering the respective bulk of both, would give to the French four-fifths of the Navigation between the 2 Countries.

Although the general conversations I have had on the subject, gave no hopes of obtaining relief through the medium of Negotiations; and, although I felt a reluctance to make an application that would not probably be favorably received, the circumstances appeared so urgent,

that I have thought it my duty to address, to the Minister of Foreign Affairs, the Letter of which a Copy is inclosed. I hope to be able to communicate to you their determination in time for Congress to act during the ensuing Session, if that course shall be deemed eligible.

The difficulty, in that case, will be to find an efficient remedy. I have already alluded to it in my Despatch No. 88, in which I suggested the utility of obtaining an amendment to the Constitution of The United States which would authorize Congress to lay a duty on produce of The United States, when exported in Foreign Vessels. But that process is uncertain and dilatory. On reflecting on the subject, it has appeared to me, that another mode might be adopted, which I beg leave to submit to your consideration.

It consists in repealing our existing discriminating duty [of 10 per cent. on the ordinary duty] on merchandize imported in Foreign Vessels, and in substituting to it an additional duty on those Vessels, equal, on an average, to the extra duty which Foreign Countries lay on our produce, when imported there in American Vessels.

To apply this to France, and taking the French extra duty on cotton, which is our principal export there, as the criterion, the difference between the duty laid here on cotton, when imported in our Vessels, and that laid on it when imported in French Vessels, is about $1\frac{1}{4}$ cent. per pound. Supposing then, that a Vessel carries at the rate of about 1,000 pounds of cotton to the ton, the difference amounts to about $12\frac{1}{2}$ dollars per ton; and this is the additional tonnage, which, being laid, in our Ports, on all French Vessels, without regard to their inward or outward Cargoes, would countervail, in a direct manner, the French extra duty. This statement shows the greatness of the evil to be corrected; since, even admitting some error in the estimated quantity of cotton which Vessels carry, on an average, the difference against the Vessels of The United States is more than the whole price of the freight. Calculated on tobacco, that difference is still greater, and amounts to nearly 17 dollars per ton; for, although the duty, when imported in American Vessels, is but two-thirds per pound of that laid on cotton, a Vessel will carry, at least, twice as much tobacco per ton as cotton. There can be no doubt that, taking into consideration the whole trade, the additional tonnage duty of $12\frac{1}{2}$ dollars per ton on French Vessels generally, substituted to our existing discriminating duties, will no more than countervail the extra duties laid by the French Government on our Vessels.

But, in order to render this plan altogether efficient, I think it would be necessary to authorize, also, the President, in case the Government of France should attempt to defeat it, by laying additional duties on our Vessels, to increase, in the same proportion, the proposed tonnage duty on French Vessels. And a provision might be added, that all

those extra duties should cease on our part, whenever France consented to repeal theirs.

I have alluded only to the general extra duties paid into the Public Treasury; but there are various other local charges laid on our Vessels, such as Pilotage, Brokerage, &c. which are sometimes heavy, and always vexatious, but which it is more difficult to countervail, because they are not uniform. Their nature and amount are stated in the Consular Communications formerly transmitted; that which relates to the Ship Brokers of Havre, is fully explained in my Despatch No. 103; and I must add, that, to the Letters which I addressed to the Minister of Foreign Affairs on that subject, I have received no further answer. The average amount of those various charges might be estimated and added to the suggested additional tonnage duty. But the most efficient mode to obtain redress in those cases, would be, to lay another specific duty on French Vessels, equal to the charges, which, in the Ports to which those Vessels might respectively belong, are laid on American Vessels. That specific duty would, of course, vary according to the French Ports from which the Vessels came; and, although there might be some difficulty in the execution, it seems to me that it may be surmounted, by making the Certificate of our Consuls legal evidence of the amount of the extra charges imposed in their respective Consular Districts, on American Vessels.

The importance of this subject will be my apology for having offered these suggestions. Of the greatness of the injury sustained by our Commerce, and of the necessity of applying, without delay, a remedy, there can be no doubt. I hope that I may be mistaken on one point; and no endeavors shall be omitted on my part to induce this Government to alter their policy: but I firmly believe that nothing will produce that effect, but the adoption of countervailing measures, on the part of The United States.

The Hon. John Quincy Adams.

ALBERT GALLATIN.

No. 15.—Mr. Gallatin to the Marquis Dessolle.

MONSIEUR LE MARQUIS,

Paris, 25th October, 1819.

I HAD the honor, on my arrival here, to communicate, verbally, to his Excellency the Duke de Richelieu, that I was authorized, by my Government, to conclude, with that of France, Commercial Arrangements founded on a footing of perfect equality, and such as might promote an intercourse equally advantageous to both Countries. With that view, I had requested him to examine the Convention concluded in July, 1815, between Great Britain and The United States, the bases of which they were ready to adopt in their commercial relations with France. The peculiar circumstances which prevented, at that time, the further prosecution of that subject, have fortunately ceased to exist;

and I have now the honor to bring it again to the consideration of your Excellency.

Both France and The United States have, in order to encourage their own Navigation, passed Laws, laying extra duties on Foreign Vessels, and on the merchandise imported in such Vessels. But the inequality is, at present, so much greater in France than in The United States, and the mode heretofore adopted in America to counteract that inequality is so defective, that, if this system was permitted to continue on both sides, the commercial intercourse between the 2 Countries would, in a short time, be carried on almost exclusively in French Vessels. In order to obtain their due share in the Navigation between the 2 Countries, and they claim nothing more than their share, The United States will be compelled to alter their Laws, and to lay such additional extra duties on the tonnage of French Vessels, or on merchandise imported therein, as will, in that respect, restore a perfect equality in the commercial intercourse of the 2 Nations.

This plan, however, of each Government laying extra duties, in order to countervail those laid by the other, is attended with serious inconveniences on both sides. The Ship-owners of each Country are always apt to think, that the extra duties paid by them are greater, and more oppressive, than those laid on the Vessels of the other. They claim the protection of their Government; and ask, that these should be enhanced. A species of commercial hostility takes place, which may have an unfavorable effect on the friendly relations of the 2 Countries: and the ultimate and unavoidable tendency of the system is to lessen their commerce, and to throw it in other channels.

Any attempt on the part of either Country to engross for its Vessels the carrying trade between the two, will certainly be defeated by the other; and if, as it is believed, they have no other aim than that of a fair and reciprocal equality, this will be attained with much greater facility and certainty, by both mutually agreeing to abolish altogether, all extra duties, than by each trying to countervail those of the other.

The bases of an Arrangement, founded on that principle, would be;

1st, That, in The United States, no higher tonnage duties, or other charges should be laid on French than on American Vessels; nor any higher duties on articles of the produce or manufacture of France, when imported from France into The United States, in French Vessels, than when imported, in the same manner, in American Vessels.

And, reciprocally, that, in France, no higher tonnage duties, or other charges, should be laid on American than on French Vessels; nor any higher duties on articles of the produce or manufacture of The United States, when imported from the said States into France in

American Vessels, than when imported, in the same manner, in French Vessels.

2d, That no higher duties should be laid, in France, on articles of the produce or manufacture of The United States, than on similar articles, of the same value, of the produce or manufacture of any other Foreign Country.

And, reciprocally, that no higher duties should be laid in The United States, on articles of the produce or manufacture of France, than on similar articles, of the same value, of the produce or manufacture of any other Foreign Country. These being, in substance, the same principles on which the Commercial Convention between The United States and Great Britain is founded, have the advantage of being recommended by the experience of 2 great Maritime Nations, equally jealous of their commercial prosperity. I may add, that they have, either by positive Treaties, or by mutual Municipal Laws, been adopted in the commercial intercourse between The United States and Sweden, The Netherlands, Germany, and Prussia.

The great inequality, to the disadvantage of America, which now exists, in her intercourse with France, renders it important that the determination of His Majesty's Government, on this subject, should be communicated as soon as possible. It would be with great reluctance that The United States would find themselves obliged, in self-defence, to lay additional extra duties on French Vessels. And they have given satisfactory evidence of their earnest disposition to cultivate and promote their commercial relations with France by the reduction of duties on French wines, which, without any previous stipulation in favor of the American commerce, was decreed during the last Session of Congress.

I request your Excellency to accept, &c.

H. E. the Marquis Dessolle.

ALBERT GALLATIN.

No. 16.—Mr. Gallatin to Mr. Adams.

(Extract.)

Paris, 8th November, 1819.

MARQUIS DESSOLLE invited me to a Conference on the 6th instant, on the subject of the Commercial Arrangement proposed in my Note to him of the 25th of October. He appeared to admit, generally, the correctness of the principles therein assumed, as the basis of a Negotiation; but he added, that other causes of inequality might exist besides those arising from discriminating duties, and alluded to the frequent desertion of French Seamen in America—to our refusal to deliver them—and, to the great inconvenience to which this circumstance subjected French Vessels. This subject is not immediately connected with that of the equalization of duties; and I believe that the evil complained of is not of great magnitude. If, in their Tariff, they had only gone far enough to balance, in some degree, our natural

superiority, there would not, perhaps, have been much reason to complain: but the existing system is intolerable. The Minister has promised to write, and I hope to be able to communicate the final result before the end of the Year.

I have received the enclosed Answer to my Letter of the 14th of May last, on the subject of the Fees of the Ship-Brokers of Havre. The new Tariff is thereby confirmed, and the extortions of which they had been guilty, are made, on the plea of usage, a justification of M. Decaze's decision. That we had submitted, without remonstrance, to that imposition, and that the Fees bear a just proportion to the services rendered, are assertions contrary to fact. It would, however, be an error to suppose, that either this measure, or the disinclination to enter into Commercial Arrangements, arise from a hostile spirit against The United States. The Ministry's disposition towards them are, on the contrary, rather friendly than otherwise. In the case of the Brokers, the decision is consistent with the general principles by which France is administered. It is only an additional tonnage duty, to be taken into consideration with other extra charges, whenever they become the subject either of Negotiation, or of legislative measures.

The Hon. John Quincy Adams.

ALBERT GALLATIN.

No. 17.—*The Marquis Dessolle to Mr. Gallatin.*—(Translation.)

SIR,

Paris, 6th November, 1819.

IN your Note of the 14th of last May, you did me the honor to address to me some observations relating to the new Tariff, given to the Ship Brokers, at Havre, on the 24th of February.

The advance of the dues, as exhibited by it in their favor, is not so real as may seem at first view. In fact, it has long since been generally admitted, that the rates of the old Tariff were insufficient; and, in consequence, custom had sanctioned the demand of higher rates since the Peace, as being more adequate to the pains and trouble of the Brokers. To these new charges, adopted with the consent of the Parties, and even of the American Consuls at Havre, no objection whatever had been made since 1814, until the present. These are the same rates which were formerly spontaneously agreed to by the Parties concerned, and are now established by the new Tariff; which only confirms and sanctions, by Law, the practice hitherto observed in this particular.

If the rates fixed by it are higher for Foreign than for French Vessels, it is because the Brokers require more time and trouble in managing the business of the former than of the latter. The difference, then, in the charge in either case, is to be referred to an unquestionable principle of equity: this difference has always existed in France, and is founded in justice and proportioned to the trouble of

the Brokers; who, being subjected, in the former case, to double labor, are, therefore, entitled to a double compensation. With respect to the difference in the Tonnage by measurement or by goods, it has been ascertained, that it was always intended that the Brokerage should be uniform, both in the case of Frenchmen and Foreigners, and paid, upon the Tonnage, by measurement only. Orders have therefore been given, forthwith to rectify the error that has taken place on this point, so that the Tonnage by measurement may serve as the only rule for the rate of Brokerage to be charged on French and Foreign Ships, indiscriminately.

Be pleased, Sir, to accept, &c.

Albert Gallatin, Esq.

THE MARQUIS DESSOLLE.

No. 18.—Mr. Gallatin to Mr. Adams.

SIR,

Paris, 9th December, 1819.

THE change of Ministry has thrown new delays in the discussion of the Commercial Propositions which I had made to this Government. M. Pasquier has promised to take them immediately into consideration, and seems to understand both the reasonableness of what we ask, and the difficulty of acceding to it without giving great displeasure to the Shipping Interest of France. The Council of Commerce, (consisting of eminent Merchants,) to whom the Proposals had, in the first instance, been referred, have reported, that a nominal equality would give a decided superiority to our Navigation; that the French discriminating Duties were, however, too high, and that they should be reduced to two-thirds of their present amount. I have explicitly declared, that if, instead of abolishing all those Duties on both sides, an equalization was attempted, the reduction proposed, by the Council of Commerce, was altogether insufficient, and I could not accede to it.

I have the honor to be, &c.

The Hon. John Quincy Adams.

ALBERT GALLATIN.

No. 19.—Mr. Gallatin to Mr. Adams.

SIR,

Paris, 15th January, 1820.

I HAVE spoken several times to M. Pasquier since my Letter of the 9th ultimo, on the subject of the discriminating Duties. He always professed sentiments friendly to whatever might increase the commercial relations between the 2 Countries, and appeared disposed to meet, in some manner, the overture made on our part. But he always added, that the French Merchants were extremely averse to a total abolition. I addressed to him, on the 6th instant, the Letter of which a Copy is enclosed, and he had positively promised to send me yesterday an Answer, which is not yet received. The departure of the *Stephania* compels me to write to you without waiting for it. I under-

stood that, at all events, that Answer would not be decisive, and a Project of a Law, making sundry alterations in the Custom-house Duties, was yesterday presented to the Chamber of Deputies, which contains no alteration in the discriminating Duties of which we complain. The effect of these becomes every day more manifest. At Nantes, where not a single American Vessel has arrived within the last 12 months, 8 French Vessels have arrived with Cargoes of American produce within the last 6 months of 1819. I am confident that this Government will make no sufficient alteration until they are compelled to do it by our own Acts. A Clause in your Act, leaving a contingent power to suspend its operation in case an arrangement should take place, is all that appears necessary to obviate every objection.

I have the honor to be, &c.

The Hon. John Quincy Adams.

ALBERT GALLATIN.

No. 20.—Mr. Gallatin to Baron Pasquier.

SIR,

Paris, 6th January, 1820.

I BEG leave to recal to your Excellency's attention the Letter respecting the commercial relations between France and The United States, which I had the honor to address to your Predecessor on the 27th of October last.

Marquis Dessolle, in a Conference on the subject, informed me, that it had been referred to the Council of Commerce, whose opinion has, for a considerable time, been transmitted to the Department of Foreign Affairs. Congress being now in Session, it becomes urgent that I should, without delay, communicate to my Government the decision of that of His Majesty on the overture I had the honor to make. It is the earnest desire of The United States that an Arrangement, deemed equally beneficial to the commerce of both Countries, may be concluded; but I have already stated, that, if their endeavors in that respect should fail, they will be under an indispensable necessity of restoring, by a new modification of their discriminating Duties, the equality to which their navigation is entitled.

I request your Excellency, &c.

H. E. Baron Pasquier.

ALBERT GALLATIN.

No. 21.—Mr. Gallatin to Mr. Adams.

(Extract.)

Paris, 20th January, 1820.

I HAVE now the honor to enclose the Copy of M. Pasquier's long promised Answer on the subject of our commercial relations, which was not received till after I had closed my last Despatch to you. I am confirmed in the opinion, that nothing will be done here until we shall have done justice to ourselves by our own measures. The Ministry is, I think, well disposed; but they will not act in opposition

to the remonstrances of the Shipping Interest, and of the Chambers of Commerce, which have been consulted. That of Paris is averse to our proposals. Indeed, M. Pasquier informed me that that of Bordeaux alone had given an opinion favorable to them.

The Hon. John Quincy Adams.

ALBERT GALLATIN.

No. 22.—Baron Pasquier to Mr. Gallatin.—(Translation.)

SIR,

Paris, 14th January, 1820.

I HAVE laid before His Majesty the Proposal made by you in the name of your Government, in the Note which you addressed to my Predecessor on the 25th October last; the object of which is, the conclusion of a Commercial Convention, founded on the principle of perfect equality, and calculated to establish relations as comprehensive as may be found practicable, mutually advantageous to both Nations.

His Majesty is disposed, Sir, to adopt any arrangement which has for its basis a due reciprocity of advantages, and which, by reconciling the commercial interest of both People, may promote their mutual prosperity.

As soon, therefore, as the various points of information, indispensably necessary to guide the decision of His Majesty's Government, as well in relation to the 2 Stipulations proposed in your Note, as to the other Clauses which it may be found expedient to insert in the intended Convention, shall have been collected, I will lose no time in entering, with you, into more particular discussions; and I have every reason to believe that I may be enabled to do so speedily.

I beg you, Sir, to accept, &c.

Albert Gallatin, Esq.

PASQUIER.

DISCOURS du Roi de France, prononcé à l'Ouverture de la Session des Chambres.—Le 19 Décembre, 1820.

MESSIEURS,

PARVENUS au terme d'une année marquée d'abord par les plus douloureux évènements, mais si féconde depuis en consolations et en espérances, nous devons, avant tout, rendre grâce à la Divine Providence de ses nouveaux bienfaits.

Le deuil était dans ma Maison; un Fils a été accordé à mes ardentes prières: la France, après avoir mêlé ses larmes aux miennes, a partagé ma joie et ma reconnaissance avec des transports que j'ai vivement ressentis.

Le Tout Puissant n'a pas borné là sa protection : nous lui devons la continuation de la paix, cette source de toutes les prospérités. Le temps n'a fait que resserrer l'Alliance dont la France fait partie ; cette Alliance, en même temps qu'elle écarte les causes de Guerre, doit rassurer contre les dangers auxquels l'ordre social ou l'équilibre politique pourraient encore être exposés.

Ces dangers s'éloignent chaque jour de nous. Toutefois, je ne tairai pas dans cette communication solennelle avec mon Peuple, les faits graves qui, durant le cours de l'année, ont affligé mon cœur ; heureux cependant de pouvoir dire que si l'Etat et ma famille ont été menacés par un complot trop voisin des désordres qui l'avaient précédé, il a été manifeste que la Nation Française, fidèle à son Roi, s'indigne à la seule pensée de se voir arracher à son sceptre paternel, et de devenir le jouet d'un reste d'esprit perturbateur qu'elle a hautement détesté.

Aussi cet esprit n'a-t-il point arrêté le mouvement qui reporte la France aux jours de sa prospérité. A l'intérieur, des succès toujours croissans ont couronné les efforts de cette activité laborieuse qui s'applique également à l'agriculture, aux arts, et à l'industrie.

L'amélioration des Revenus de l'Etat, les économies que j'ai prescrites, et la solidité éprouvée du crédit, permettent de vous proposer, dans cette Session même, une nouvelle diminution des impôts que supportent directement les contribuables. Cet allègement sera d'autant plus efficace, qu'il produira une répartition plus égale des charges publiques.

De tels succès me rendent plus chers les devoirs que la Royauté m'impose.

Perfectionner le mouvement des grands Corps Politiques créés par la Charte, mettre les différentes parties de l'Administration en harmonie avec cette Loi Fondamentale, inspirer une confiance générale dans la stabilité du Trône et dans l'inflexibilité des Lois qui protègent les intérêts de tous ; tel est le but de mes efforts. Pour l'atteindre, deux conditions sont nécessaires, le temps et le repos. Nous ne devons pas demander à des institutions naissantes ce qu'on ne peut attendre que de leur entier développement et des mœurs qu'elles sont destinées à former. Jusque-là sachons reconnaître que, dans les affaires publiques, la patience et la modération sont aussi des puissances, et celles de toutes qui trompent le moins. Ne perdons point de vue qu'il serait impossible au Gouvernement de maintenir l'ordre, cette première garantie de la liberté, s'il n'était armé d'une force proportionnée aux difficultés au milieu desquelles il se trouve placé.

Tout annonce que les modifications apportées à notre système électoral produiront les avantages que je m'en étais promis. Ce qui accroît la force et l'indépendance des Chambres, ajoute à l'autorité et à la dignité de ma Couronne. Cette Session achevera, je l'espère, l'ouvrage heureusement commencé par la Session dernière. En affer-

missant les rapports nécessaires entre le Monarque et les Chambres, nous parviendrons à fonder le système de Gouvernement qu'exigerait, dans tous les temps, une aussi vaste Monarchie, que commande plus impérieusement encore l'état actuel de la France et de l'Europe.

C'est pour accomplir ces desseins que je désire voir se prolonger les jours qui peuvent m'être encore réservés; c'est aussi pour les accomplir que nous devons compter, vous, Messieurs, sur ma ferme et invariable volonté; et moi, sur votre loyal et constant appui.

DISCOURS de M. le Ministre des Finances, à l'Ouverture du Conseil des Etablissements de Crédit de l'Empire de Russie.—Le 29 Août, 1820.

LE Conseil de surveillance des Etablissements de Crédit, s'étant réuni le 29 du mois passé, son Excellence M. le Comte de Gourieff, Ministre des Finances, a ouvert la Séance par le Discours suivant :

MESSIEURS,

LES Etablissements de Crédit ont poursuivi leurs travaux dans le courant de l'année 1819 avec cette activité et ce zèle pour le bien public dont ils ont fait preuve pendant les 2 années précédentes. Pour s'en convaincre, ils vous suffira d'examiner les comptes-rendus que les Chefs de ces Etablissements auront l'honneur de vous soumettre.

Vous, Messieurs, que la confiance de la Noblesse et du Corps des Marchands a choisis, pour former le Conseil des Etablissements de Crédit, le terme des 3 ans pour lequel ces fonctions importantes vous ont été déferées, va échoir à la fin de cette année. Notre système de crédit s'est formé et développé sous vos auspices. Vous avez été les premiers témoins de ses progrès. En traçant un Tableau succinct des opérations de l'année dernière, je ne croirois donc pas inutile d'y joindre le précis de celle qui les ont précédées, tant à cause de leur liaison intime et réciproque, que dans la vue de vous présenter un ensemble de ce qui s'est effectué pendant la durée de vos fonctions.

Commission d'Amortissement.

Vous n'ignorez pas que le paiement des intérêts des Dettes de l'Etat aux termes fixés, et l'amortissement progressif de ces Dettes mêmes, forment l'objet principal des travaux de cette Commission. C'est aux Créanciers de l'Empire à attester l'exactitude qu'elle met à remplir la première de ces obligations; je me bornerai donc ici à développer les effets et l'action du fond d'amortissement.

La masse de la Dette Publique se compose de Dettes à termes, de Dettes perpétuelles, et de celle de Hollande.

Le 1^{er} Septembre, 1817, à l'ouverture de la Commission d'amor-

tissement, cette dernière s'élevait à 50,600,000 florins. Elle a éprouvé depuis une réduction de 1,000,000 florins. L'autre moitié de cette Dette que le Gouvernement Britannique et celui des Pays Bas avoient prise à leur charge, en vertu de la Convention du 8 Mai, 1815,* a été amortie dans la même proportion.

Les Dettes internes à l'échéance du 1^{er} Janvier, 1818, se montoient à 3,200,000 rbl. en or et en argent, et à 53,200,000 rbls. en assignations.

Le 1^{er} Janvier, 1820, elles s'élèvent à 3,392,880 rbls. en or et argent ; et à 53,604,428 rbls. en assignations.

Cette augmentation résulte en partie de ce que dans le courant des 2 dernières années la Commission a porté sur le Grand-Livre, plusieurs sommes dues à des Etablissements de Bienfaisance et à d'autres qu'on s'étoit vu jusqu'ici dans l'impossibilité d'y inscrire, attendu que les comptes n'avoient pas pu être réglés plutôt. Elle provient également d'un nouvel Emprunt de 15,000,000 florins, qu'on a ouvert au lombard à l'effet de créer pour le Ministère de la Guerre un capital permanent destiné par anticipation aux approvisionnements de chaque année.

Ainsi pendant les 2 dernières années, il a été porté sur le Grand-Livre, un surplus de 315,000 rbls. de Dettes en numéraire et de 18,358,325 rbls. en assignations. En comparant néanmoins leur montant effectif avec le montant de celles qui s'y trouvoient inscrites en 1817, on aura lieu de se convaincre que l'accroissement réel des Dettes en numéraire ne s'élève qu'à 190,650 rbls. et celui des Dettes en assignations à 384,995 rbls. parceque le remboursement des Capitaux aux termes convenus, a toujours continué sans interruption et avec l'exactitude la plus rigoureuse.

Les Dettes à rentes perpétuelles, *rachetables* et *non-rachetables*, formoient, à la fin de 1818, un total de 6,071,952 rbls. en numéraire, et de 246,718,251 rbls. en assignations. Au commencement de 1820, les premières s'élèvent à 6,779,652 rbls. et présentent un excédent de 707,700 rbls. ; les secondes au contraire ne dépassent point 242,827,931 rbls. et ont éprouvé, par conséquent, une réduction de 3,890,000 rbls.

Vous savez, Messieurs, qu'en introduisant les Emprunts à rentes perpétuelles, le Gouvernement s'est proposé le double but d'acquitter les Dettes du Ministère de la Guerre pour lesquelles on n'avoit fixé jusqu'alors aucun mode de remboursement, et de produire l'amortissement graduel du papier-monnaie.

Les Dettes de la Trésorerie, tant celles de la Guerre que toutes les autres qui ne sont point à termes, forment un total de 6,355,450 rbls. en numéraire, et de 132,209,300 rbls. en assignations.

Avant l'établissement de la Commission, le payement des Dettes de la Guerre n'étoit réglé sur aucun mode de liquidation stable, ni assuré sur aucun fonds particulier ; mais depuis cette époque, elles rapportent successivement des rentes non interrompues à mesure

* See Vol. 1830, 1831. Page 931.

qu'elles sont portées sur le Grand-Livre et forment par là même un Capital solidement assuré.

Au nombre des Dettes de la Guerre sont comprises des sommes considérables que nous devons à la Prusse, au Royaume de Naples, et au Hanovre. Veuillez remarquer, Messieurs, qu'en cette occasion, la création des rentes perpétuelles nous a procuré également des avantages importants. Au lieu du paiement au comptant qu'il auroit été impossible d'effectuer, sans charger la Nation de nouveaux impôts, il a été convenu avec ces Gouvernemens que les sommes respectives qui leur étoient dues pour les frais de la Guerre, seroient inscrites au Grand-Livre. Ainsi cette Dette, par l'action constante du fonds d'amortissement, se trouvera acquitté d'une manière pour ainsi dire insensible et sans nécessiter de nouveaux sacrifices.

Le reste des Dettes à rentes perpétuelles, dont le montant s'élève à 110,578,831 rbls. en assignations, et à 314,360 rbls. en argent, provient des Emprunts ouverts en 1817 et 1818, pour l'amortissement du papier-monnaie.

Dans la totalité des Dettes à rentes perpétuelles sont compris 36,079,911 rbls. de Dettes non rachetables, de sorte que celles qui devront être rachetées se réduisent à 6,742,360 rbls. en numéraire, et à 206,748,020 rbls. en assignations.

Immédiatement après son établissement, pendant les derniers mois de 1817, la Commission d'amortissement racheta pour 12,700 rbls. en argent de rentes perpétuelles. L'action du fonds d'amortissement commence à devenir plus sensible depuis cette époque. En 1818 elle en a racheté pour 12,000 rbls. en numéraire, et 2,663,000 rbls. en assignations, et en 1819, pour 6,272,420 rbls.

Le capital affecté à l'amortissement de nos Dettes à rentes perpétuelles, est si considérable qu'il promet à l'Etat une prompte libération, et qu'il présente en même tems aux Créanciers l'assurance positive que la valeur de nos fonds doit nécessairement hausser.

Cependant malgré le taux auquel ils se sont déjà élevés, le Gouvernement n'a pas jugé convenable d'ouvrir de nouveaux Emprunts pour accélérer l'amortissement du papier-monnaie dans le courant de l'année dernière, vu la stagnation générale du commerce, et l'influence quelle doit nécessairement exercer sur les reviremens des Capitalistes. Dans notre système, cette ressource n'est pas indispensable, elle n'est qu'auxiliaire. Nous ne sommes pas forcés d'y avoir recours ; il faut l'employer seulement lorsqu'elle est favorisée par les circonstances, et qu'elle n'entraîne point à de trop grands sacrifices.

D'ailleurs, sans recourir à un nouvel Emprunt, on doit brûler cette année pour 35,614, 105 rbls. d'assignations, ce qui joint à celles qui ont été détruites dans le courant des 2 dernières années, forme un total de 153,867,010 rbls. qui se trouvent ainsi retirés de la circulation.

Si une réduction aussi considérable du papier-monnaie n'a point

produit sur le cours du change l'effet qu'on devoit naturellement en attendre, c'est encore dans la stagnation générale que le commerce a éprouvée pendant l'année dernière, qu'il faut en chercher la cause principale.

On ne peut douter néanmoins que sans cette diminution du papier-monnaie, la baisse du change n'eût été plus sensible encore. Le Gouvernement ne prendra point, pour rétablir le change, des mesures dont l'effet ne seroit qu'incertain ou momentané, mais il est résolu à persévérer dans la marche qu'il a solennellement et irrévocablement adoptée, en retirant successivement de la circulation, la quantité surabondante du papier-monnaie.

Si nous déduisons des 30,000,000, les sommes nécessaires au payement des rentes perpétuelles et à la formation du capital d'amortissement, des Emprunts contractés à cet effet, il nous reste encore plus de 20,000,000 par an pour continuer cette opération, et nous sommes en droit d'espérer qu'un succès durable, si non rapide, finira par couronner la constance que nous mettons à suivre une mesure aussi salutaire.

Banque d'Assignations.

Cette Banque, dans le courant de l'année 1819, s'est occupée principalement de l'échange des anciens billets contre ceux d'une forme nouvelle. Elle poursuivra cette opération pendant l'année 1820. L'imperfection des anciens billets la rendoit nécessaire. Elle sera terminée au 1 Janvier, 1821. Ce n'est qu'alors que le Gouvernement pourra s'assurer avec exactitude du montant des billets restés effectivement dans la circulation. Il s'empressera de le publier, et donnera par là une nouvelle preuve de son invariable résolution d'observer strictement la Loi qui en défend toute émission ultérieure.

Banque d'Emprunts.

Les prêts faits par cet Etablissement dans le courant de 1819, vont au-delà de 5,500,000.

Les Capitaux placés à cette Banque s'élèvent au contraire à 47,500,000 et ceux qui en ont été retirés à 31,360,000 rbls. Il lui est resté par conséquent un surplus de 16,231,000 rbls. Les consignations faites en 1819 présentent un excédent de 1,846,235 rbls. comparativement à celles de 1818.

Les reviremens de cette Banque, pris dans leur ensemble, se sont étendus en 1819 jusqu'à 116,736,755 rbls.

Dans les séances antérieures, j'ai eu l'honneur de vous présenter, Messieurs, que la Banque d'Emprunts recevoit une nouvelle organisation plus conforme aux circonstances actuelles et à sa destination. Notre industrie manufacturière demande des encouragemens particuliers. Le Gouvernement en sent la nécessité, et se prépare à lui offrir

tous les secours qui dépendront de lui. Le projet d'organisation pour cet Etablissement que je me flatte de pouvoir vous soumettre dans le courant de cette année, vous prouvera, Messieurs, que les avantages et l'intérêt de notre industrie, en ont motivé les dispositions principales.

Banque de Commerce.

Les 2 années qui se sont écoulées depuis l'établissement de cette Banque, ont démontré par expérience que les principes qui lui servent de base sont entièrement conformes au but de son institution, que les ressources qu'elle offre aux Négocians ne contribuent pas moins à l'utilité de cette classe de la société qu'au bien de l'Etat. Chaque année les reviremens de la Banque de Commerce reçoivent un nouveau degré d'activité et d'extension.

Son capital, qui en 1818 étoit de 17,295,345 rbls. s'élève actuellement à 20,910,173 rbls. D'ailleurs la confiance générale que cet Etablissement inspire de plus en plus, lui fournit plus de moyens et de facilités d'étendre ses opérations, ainsi que son capital même.

Les dépôts en transfer, formoient en 1818, 52,000,000 rbls. en 1819, ils se sont élevés jusqu'à 64,000,000, y compris le restant de l'année précédente.

Ceux portant intérêt ou consignations qui en 1818 ne dépassoient point 27,500,000 ont presque augmenté du double dans le courant de l'année précédente. Il en a été versé pour 45,000,000 en assignations et plus de 2,155,000 en numéraire.

Le 1 Janvier de cette année, il est resté en caisse, à la disposition de la Banque 1,933,000 rbls. en numéraire, et plus de 33,304,000 rbls. en papier.

Malgré la stagnation du commerce, l'escompte des Lettres-de-change à St. Pétersbourg s'est étendue à 54,000,000. Les avances sur marchandises se sont bornées à 4,000,000 seulement.

Indépendamment de ces opérations principales, la Banque de Commerce tache d'utiliser les capitaux libres qui lui sont confiés; c'est ainsi qu'en 1819 elle en a employé une partie à acheter des monnaies métalliques étrangères à Odessa, afin de faciliter les payemens en numéraire parmi les Négocians de cette Ville. Le succès justifia cette spéculation.

La sphère d'activité de la Banque de Commerce ne se borne pas à la seule Ville de St. Pétersbourg; elle s'étend aussi à d'autres Villes commerçantes de l'Empire. Un comptoir a été établi à Moscou l'année passée, et 2 autres cette année à Archangel et à Odessa.

L'établissement d'un comptoir à Moscou y a fait baisser sensiblement le taux de l'escompte. On y a escompté des Lettres-de-change, pour plus de 19,000,000 rbls. et ses opérations du transfer se sont élevées au-delà de 12,000,000.

Le total des reviremens de cette Banque, et des comptoirs qui en dépendent, s'est élevé en 1819 à 596,433,363 rbls. et lui a valu 1,000,000 de bénéfice sans aucune perte.

Ce profit comparativement au Capital de la Banque doit paroître assez considérable, surtout lorsque l'on songe qu'elle n'émet pas son propre papier, ainsi que toutes les Banques des autres Pays ; mais l'utilité essentielle et principale de cet Etablissement pour l'Etat consiste dans les secours qu'elle procure au commerce.

Telle est la situation de nos Etablissements de Crédit.

Sans fatiguer votre attention de détails anticipés, je me suis borné à vous en esquisser les principaux traits.

Maintenant, Messieurs, chacun de ces Etablissements va séparément vous soumettre son compte-rendu. Examinez-les avec cette impartialité sévère, cette maturité de jugement, qui ont signalé les Sessions antérieures du Conseil ; c'est ainsi que vous pourrez justifier la confiance qu'elles vous ont acquise aux yeux du Public, et aux yeux de Celui dont l'autorité suprême veille au maintien des Lois et au bonheur de l'Empire.

[GOURIEFF.]

DISCOURS prononcé par Sa Majesté l'Empereur et Roi à la Séance des deux Chambres réunies, à l'Ouverture de la Diète de la Pologne.—A Varsovie, le 13 Septembre, 1820.

REPRÉSENTANS DU ROYAUME DE POLOGNE !

J'ÉPROUVE une véritable satisfaction à me voir pour la seconde fois au milieu de vous ; et je le répète avec plaisir, en vous réunissant dans cette enceinte, en vous appelant à co-opérer au maintien et au développement de vos Institutions Nationales, j'obéis à l'impulsion de mon cœur, je réalise un de mes vœux les plus chers.

Résultat de la confiance que j'ai placée en vous, ces Institutions s'affermiront par la confiance que vous placerez en moi.

Mon but, en vous les donnant, a été d'unir le pouvoir souverain aux pouvoirs intermédiaires, aux droits, aux intérêts légitimes de la société.

Je regarde ces liens comme indispensables, mais pour être solides, ils réclament un secours sans lequel tout ici-bas succombe et dégénère.

Gardons-nous d'oublier que les Institutions ne sont que l'ouvrage des hommes. Elles ont besoin, comme eux, d'un appui contre la faiblesse, d'une conscience contre l'erreur, et comme eux, elles ne trouvent cet appui, cette conscience, que dans la morale Chrétienne et dans ses divins préceptes.

Vous êtes restés Polonais, vous portez ce nom honorable, mais je vous l'ai dit précédemment, il n'y avait que l'application des maximes

de cette bienfaisante morale, qui pût vous rendre une aussi glorieuse prérogative. Suivez-les donc aussi de votre côté, ces maximes salutaires ; puisez à leur source cette bonne foi qu'elles vous prescrivent envers vous-mêmes, comme envers les autres ; puisez-y cet amour de la vérité qui ne cherche qu'elle, qui n'écoute, ne parle que son langage, et vous m'aiderez efficacement à consolider l'œuvre de la régénération de votre Patrie.

J'ai prononcé devant vous le mot de vérité, car c'est la vérité que je vous demande : je désire la connaître par votre organe ; dites-la avec franchise, mais avec calme et cordialité.

Elle vous apparaîtra environnée de tout son jour, cette vérité, lorsque vous la chercherez dans les choses et non dans de vaines abstractions, lorsque vous jugerez de votre situation sur le témoignage des faits et non d'après les théories qu'invoquent de nos jours, des ambitions déchues ou des ambitions naissantes.

La vérité enfin caractérisera vos opinions, lorsque, n'écoutant que les grands intérêts dont vous êtes dépositaires, et banissant loin de vos conseils, l'animosité, les convenances isolées, les vues personnelles, vous vous élèverez à la hauteur de votre auguste mission.

Ce ne sera qu'alors, que vous aurez rempli votre tâche. Je vais maintenant m'acquitter de la mienne.

Mes Ministres vous présenteront le tableau de toutes les mesures organiques et administratives, prises et exécutées depuis 2 ans. Vous aimerez, sans doute, à vous convaincre du bien qu'elles ont produit, en le comparant à tous les maux dont il fallait effacer les traces encore profondément empreintes. Le désir d'atteindre ce but n'a peut-être pas toujours suivi les voies signalées par le régime que je me suis plu à vous accorder : peut-être aussi des besoins urgents et simultanés ont-ils augmenté par leur concours, la somme des dépenses qu'ils nécessitaient.

Cependant mes intentions ne changent point, et ma ferme volonté est qu'à l'avenir, les règles une fois établies, soient strictement observées, et les ressources des contribuables, ménagées avec le plus religieux scrupule.

Les demandes que vous m'avez présentées, ont été prises en sérieuse considération. Vous allez apprendre comment il y a été et il pourra encore y être satisfait, et pourquoi il a fallu surseoir ou renoncer à l'accomplissement de quelques-unes d'entre elles. Parmi celles que le Gouvernement s'est empressé d'accueillir, se trouvent les Projets de Lois qui vous seront communiqués.

Vous désiriez une Procédure Civile dont la marche fut plus droite et plus sûre ; vous désiriez une Procédure Criminelle en harmonie avec le Code Pénal, que vous avez voté à votre dernière Session. Des Projets de Lois nouvelles vont vous être soumis, sous l'un et l'autre de ces rapports. Je les abandonne franchement à votre examen. Je

sais que pour atteindre le degré de perfection relative, que nous pourrions leur donner, des Lois de cette nature exigent une discussion approfondie, et je veux qu'elles portent le cachet d'une complète maturité.

Les Orateurs du Gouvernement vous instruiront de mes intentions à cet égard, et vous reconnaîtrez qu'elles assurent à votre vote une entière liberté, à vos délibérations une juste et indispensable latitude.

La Loi financière réclame encore le secours du tems et de la réflexion. C'est en matière d'impôts surtout, que les changemens précoces sont dangereux. La stabilité des réglemens fait seule fleurir les Finances. Le système des votres doit subir une réforme, mais il n'en doit subir qu'une. Elle sera introduite, dès qu'elle aura été suffisamment préparée.

Représentans du Royaume de Pologne ! Montrez à votre Patrie, que forts, de votre expérience, de vos principes, de vos sentimens, vous savez conserver, sous les auspices de vos Lois, une indépendance tranquille et une liberté pure ; montrez à vos Contemporains, que cette liberté est amie de l'ordre et de ses bienfaits, et que vous en recueillez les avantages, parce que vous avez su, parce que vous saurez toujours, résister aux suggestions de la malveillance et aux dangers de l'exemple.

Ailleurs, l'usage et l'abus ont été placés sur la même ligne : ailleurs, en excitant le besoin factice d'une servile imitation, le génie du mal s'essaye à reprendre son funeste empire, et déjà il plane sur une partie de l'Europe, déjà il y accumule les forfaits et les catastrophes.

Au milieu de ces calamités, mon système de Gouvernement restera invariable. J'en ai puisé les principes dans le sentiment intime de mes devoirs.

Ces devoirs, je les remplirai toujours avec bonne foi. Néanmoins cette bonne foi ne serait pas complète, si je pouvais méconnaître les grandes vérités qu'enseigne l'expérience.

Sans doute, le siècle où nous vivons exige que l'ordre social ait des Lois tutélaires pour base et pour garantie. Mais ce siècle impose aux Gouvernemens l'obligation de préserver ces mêmes Lois, de la fatale influence des passions, toujours inquiètes, toujours aveugles.

Sous ce rapport, une grave responsabilité pèse sur vous comme sur moi ; elle vous ordonne de suivre fidèlement la route que vous indique votre sagesse et votre loyauté ; elle me commande de vous avertir avec franchise des périls qui pourraient vous entourer et d'en garantir vos institutions ; elle me prescrit de ne juger des mesures sur lesquelles je serai appelé à prononcer, que d'après leurs véritables conséquences, et non sur les qualifications dont l'esprit de parti les flétrit ou les décore ; elle m'oblige enfin, pour prévenir la naissance du mal et la nécessité des remèdes violens, à extirper les germes de désorganisation, dès qu'ils se feraient apercevoir.

Telle est mon irrévocable résolution. Je ne transigerai jamais sur mes principes, et jamais je ne me prêterai à aucune concession qui leur soit contraire.

Polonais ! à mesure que les liens de fraternité qui vous attachent pour toujours à la Russie se ressèrent ; à mesure que vous vous pénétrez de toutes les considérations qu'ils vous rappellent, la carrière que je vous ai ouverte s'étend et s'applanit devant vous. Encore quelques pas dirigés par la sagesse et la modération, marqués par la confiance et la droiture, et vous toucherez au but de vos espérances et des miennes. Je m'applaudirai doublement alors d'avoir vu le paisible exercice de vos libertés affermir votre existence nationale, et cimenter une indissoluble union de bonheur entre nos deux Patries.



DISCOURS prononcé par Sa Majesté l'Empereur et Roi, à la Séance des deux Chambres réunies, à la Clôture de la Diète de la Pologne.—A Varsovie, le 13 Octobre, 1820.

REPRÉSENTANS DU ROYAUME DE POLOGNE,

En ouvrant vos délibérations, je vous ai manifesté ma pensée, sur les moyens de développer et d'affermir vos Institutions Nationales.

Parvenus au terme où s'arrêtent aujourd'hui les travaux qui doivent vous conduire par degrés vers ce but important, vous pouvez facilement apprendre, de combien vous vous en êtes rapprochés. Interrogez votre conscience, et vous saurez si, dans le cours de vos discussions, vous avez rendu à la Pologne tous les services qu'elle attendait de votre sagesse ; ou si, au contraire, entraînés par des séductions trop communes de nos jours, et immolant un espoir qu'aurait réalisé une prévoyante confiance, vous n'avez pas retardé dans ses progrès, l'œuvre de la restauration de votre Patrie.

Cette grave responsabilité pèsera sur vous. Elle est la suite nécessaire de l'indépendance de vos suffrages. Ils sont libres, mais une intention pure doit toujours les déterminer. La mienne vous est connue. Vous avez reçu le bien pour le mal, et la Pologne est remontée au rang des Etats. Je persévérerai dans mes desseins à son égard, quelle que soit l'opinion qu'on puisse se former sur la manière dont vous venez d'exercer vos prérogatives.

Cependant les impressions fâcheuses peuvent encore s'affaiblir, et les Membres de cette Assemblée, qu'anime l'amour sincère du bien, consommeront leur honorable mission en portant dans leurs foyers des paroles de paix et de concorde, en y propageant cet esprit de calme et de sécurité sans lequel les Lois les plus bienfaisantes resteront toujours stériles.

Vous avez voté celles qu'exigeaient le plus impérieusement les besoins de votre Pays.

Un sursis indispensable va préparer le rétablissement graduel des rapports ordinaires entre les créanciers et les débiteurs.

Les formes qui environneront désormais le sacrifice des possessions privées à l'intérêt de la chose publique, constatent ce respect pour la propriété, qui est le meilleur encouragement de toutes les entreprises utiles.

Je m'abstiens de juger dans ce moment les motifs pour lesquels vous n'avez point accueilli les Projets destinés à compléter le système de votre Législation.

Je laisse à vos Concitoyens le soin de prononcer si votre unique but, en émettant ce vote, a été de procurer aux Lois qui doivent vous régir, les perfectionnemens que peut leur apporter un examen plus mûr et plus approfondi.

Représentans du Royaume de Pologne ! je vous quitte, mais loin de vous je veillerai à votre bien-être avec la même constance, avec la même sollicitude, et le seul objet de mes désirs sera de voir le régime que je vous ai donné, consolidé par votre modération et justifié par l'exemple de votre bonheur.

MEMORIAL of General Jackson to the Congress of The United States, relative to the War with the Seminole Indians, to the advance of the American Troops into the Spanish Territory, West Florida, &c.—6th March, 1820.

MEMORIAL.

The Memorial of Andrew Jackson, Major General in the Army of The United States, and Commander of the Southern Division.

TO THE HONORABLE THE SENATE OF THE UNITED STATES.

ON the 18th of December, 1818, your honorable Body resolved, "That the Message of the President, and Documents relative to the Seminole War, be referred to a Select Committee, who shall have authority, if necessary, to send for Persons and Papers; that said Committee inquire relative to the advance of The United States' Troops into West Florida; whether the Officers in command at Pensacola and St. Marks were amenable to, and under the control of Spain; and, particularly, what circumstances existed to authorize or justify the Commanding General in taking possession of those Posts."

In conformity with this Resolution, a Select Committee of 5 Persons of your honorable Body was appointed, who, on the 24th of February, 1819, made a Report.

The Committee had ample time for a correct examination of the subject submitted to their consideration, and the means by which to have been fully satisfied of the innocence of your Respondent; yet, in their Report, has he been accused of crimes against the Laws and Constitution of his Country. Upon a review of that Document, your Respondent is free to declare, that both the narrative of facts, and the arguments deduced from them, are unsound and erroneous. The incorrect impressions with which the Committee seem to have labored, have, in the opinion of your Memorialist, given to this subject a distorted aspect, and thrown around it a deceptive coloring.

With striking a deadly blow at the liberty of his Country; and with acts of wanton usurpation, which, for their enormity, would vie with the most absolute Despots, with the Directory of France, during their short career of madness and folly, has your Respondent been charged. These accusations have for their object, the rendering your Respondent obnoxious to his Fellow-Citizens. Still, he will not so far forget the duty he owes himself, and the respect due to the Senate and the American People, as to indulge recrimination. It is not the mean by which truth can be arrived at, or the cause of justice and impartiality promoted. But, to vindicate himself from reproach, to ward off unmerited imputations, and to stand in opposition to a Report of a Committee of your Body, which casts the *severest* censure, is a right secured to him, because it is the right of every Citizen.

With all the respect, therefore, which is due to an august branch of the Government; but with that frankness and sincerity which conscious innocence demands to assume, does he present himself. It is a duty which he owes to himself, to his office, to his family; nay, to his Country, for which he has encountered privations, and whose interest has always been dear, and paramount to all other considerations. In doing this, he will not depart from that respect which is proper to be observed; nor will he hesitate to believe, but that the Senate, on an impartial examination of the facts, will come to conclusions different from what their Committee have arrived at.

The manner in which the inquiry was conducted by the Committee is believed to have been novel; a mass of testimony, tending seriously to affect the reputation of an Individual, was collected; and although it was proposed, yet was an opportunity denied him, of appearing before them, to offer any statement or explanation in his power, in relation to those subjects upon which doubts and difficulties might arise. He was deprived, by this refusal, of the privilege of confronting his Accusers, and of interrogating and cross-examining Witnesses, summoned for his conviction. Such testimony, only, as the Committee chose to select, was heard, and when published to the World, declared a language different from what the Witnesses intended.

By refusing the Accused an opportunity to confront and cross-ex-

amine Witnesses, how easily may be indulged in, rancorous invective, and occasions sought to vent malignant and implacable resentments. Your Respondent does not pretend to assert that any thing of the kind occurred during the present investigation ; but, has barely adverted to it, as forming a portion of the evil consequences which might arise from so informal a method of inquiry. To adopt such a course, is to prostrate the rules of judicial proceedings ; to violate every maxim of justice, and to trample down all the sacred guarantees of the Constitution. He has been taught to believe, that, agreeably to the provision of our *Magna Charta*, every Individual was secure in his life, liberty, property and reputation ; and that he could not be tried before any constituted Authority of the Nation without being heard in his defence,—permitted to introduce exculpatory evidence,—to cross-examine and confront his Accusers. This is one of the choicest fruits of our Republican Institutions, and is an essential preservative of liberty ; it should be guarded with vestal vigilance, and for no purpose whatever subjected to violation by any Branch or Department of the Government. In its maintenance there is safety ; but danger in departure.

The Committee, whilst adverting to the origin of the Seminole War, have omitted to enumerate the Spanish and Indian aggressions on our rights, as a justification of the measures which were adopted in its prosecution. They have rather employed palliatives for the outrages of the enemy, and given an aggravated aspect to the measures which were adopted for the peace and security of our Frontiers. Add to this, the *manner* in which the testimony was collected,—the misconception of facts, and incorrect arguments contained in the Report,—the time at which it was published, and the style in which it was composed, and your Respondent cannot forego the belief, that it evinces an hostility to the Executive, and to the Military Officers under his command.

It is a subject of no small surprise, that this spirit of opposition should have diffused itself after the luminous arrangement of facts, with the conclusive reasoning and inferences arising from the Laws of Nations, and The United States, by Mr. Secretary Adams ; as well as the ample and satisfactory discussion in the House of Representatives, the great inquest of the Nation. Moreover, Congress had made provision for a vigorous prosecution of the Seminole War, in the Spring of 1818, in conformity to the suggestion of the President, in his Message in the month of March, when he detailed to them every information in relation to that subject. The Citizens of Georgia and Alabama had made repeated calls on the General Government for protection ; and, with a full knowledge of all the circumstances touching the causes and progress of that War, Congress authorized the calling out an additional Brigade of Militia, and made liberal appropriations for the payment of the Georgia Troops then in service. The President too, who is

Commander-in-Chief of the Army and Navy of The United States, and who should be the proper judge to determine whether his Orders be faithfully executed, had made the acts of his Officers his own, not only by the express authority which he had conferred, but by subsequent adoption also.

With a large majority of the People of The United States, the defensive measures adopted by the Government, as also the reasons by which they had been governed, were entirely satisfactory, in consequence of its being distinctly perceived that no other course could have been pursued which would have secured the indispensable purposes for which the Seminole War had been prosecuted. That those measures should be denounced as a violation of the Laws and Constitution, by those very Persons who originally gave them their suffrages, is certainly calculated to excite the astonishment of every impartial observer.

Under such circumstances it was to have been anticipated, that all controversy, relative to the Agency of your Respondent in giving rise to the War, would have been completely put to rest. It was confidently expected that he would have escaped the crimination of your Committee; reproaches which, if sanctioned by your honorable Body, are little inferior to cashiering; besides, no instance is to be found on record where a similar course was adopted, in relation to any of the Indian Wars, in which The United States have been engaged.

After all the above circumstances had transpired, and it was supposed that the subject of the Seminole War had been finally disposed of, in the House of Representatives, your Committee took it up with avidity, prosecuted it with an assiduity that was unexampled, and animadverted upon the conduct of the Executive, and his Official Agents, in a manner which is believed to be altogether strange and novel. By reiterations of mal-conduct, they seem to have evinced a disposition to stamp upon the whole transaction, and those connected with it, infamy and disgrace.

Should the time ever arrive when a majority of any of the Superior Tribunals of the Nation, influenced by party feelings, shall proceed to criminate a Public Officer, or effect his removal, in order to create a vacancy, or to gratify the ambition of a favorite partizan, then may private resentment, and the most angry passions, acquire an unbounded and dangerous control over their proceedings. Every sentiment of justice and humanity will be completely stifled, as well as all regard for the Constitution and Laws. The Patriot will have ample cause to tremble for the honor of his Country, and the perpetuity of her Republican Institutions. The venerable fabric of our liberties, which has been consecrated by the blood of our heroes, and the wisdom of our sages, will be imminently endangered, if not entirely buried in ruins.

That the charges preferred should have been published to the World, at a time to preclude all investigation, is a circumstance but little calculated to impart consolation, or to quiet the alarms of reputation assailed. No other sentiment can be indulged, than that it was intended, by counteracting the decision of the House of Representatives previously made, to produce an unfavorable impression on the public mind, before any thing could be offered as an antidote to the impressions it was intended to disseminate. Twelve months have almost elapsed since the publication of the Report; all investigation has been necessarily postponed, and hence has additional unmerited injury been sustained. The effect has been to excite prejudice, and thereby prevent that impartial examination which is so essential to correct determination. Calumny has been aided, suspicion left free to act, and the means of exciting public odium amply afforded. Resting on the eternal principles of truth and justice, and claiming for himself the high prerogative secured by the Constitution, this Respondent asks to appear in his own vindication, and to submit the grounds of his defence, and the "*motives*" by which he has been actuated.

The first consideration which presents itself, is the authority under which your Committee acted. Three propositions only are contained in the Resolution of your honorable Body; upon the second of which no Report has been made, nor has your Committee stated "what circumstances existed to authorize or justify the Commanding General in taking possession of the Spanish Posts." Instead of confining themselves within the pale of their powers, they have travelled over the whole ground occupied by the House of Representatives, in search of *new* subjects of inquiry, not before touched on or embraced within their powers.

So far as the Committee have embraced, within their investigation, the original causes of the War; the withdrawal of the regular Troops from the Frontiers of Georgia; the employment of Volunteers and friendly Indians; the execution of Arbuthnot and Ambrister; the order to take possession of St. Augustine, and the reasons and motives of your Respondent in the conduct and management of the War, it is believed to be an act of supererogation, and a departure from sound practice. This objection is not made by your Respondent upon the ground that he considers his conduct vulnerable, or from a wish to elude inquiry; but is barely mentioned as presumption of the strong disposition of your Committee to affix censure upon his motives and actions.

Upon a careful examination of the *discretionary* orders which were directed to your Respondent from the Department of War, there can be no question but that they authorized and justified every measure which was adopted during the Seminole War, and should, at once, have acquitted him of all censure and responsibility. He was ordered

to engage in *offensive* operations,—to bring the War with the Seminoles to a *speedy* and *successful* termination, with *exemplary punishment* for hostilities so unprovoked; and to establish a Peace on such conditions as would make it *honorable* and *permanent*. He was, in effect, charged with the management of the War, and vested with the powers *necessary* to give it effect. No Orders could have been more ample, as to the selection of means, as well as to their application.

The massacre of Mrs. Garret and children, and the butchery of Lt. Scott and Comrades, your Respondent is informed, were the events which induced the Government to order him to take command of the operating Army, and to prosecute the War with vigor and effect. They had determined to abandon the cautious and defensive policy hitherto adopted, and to pursue a new system of operations against the Enemy. The Orders directed to your Respondent and General Gaines, subsequent to those tragical events, were entirely different from former ones; inasmuch as they were peremptory as to carrying on operations in *Florida* against the Seminole Indians.

The first Order to your Respondent had no reference to those issued to General Gaines, save that of the same date with his own, which was directed to him at Amelia Island, requiring his co-operation in the attack upon the Seminoles. In no part of it was a reference to any previous Order to your Respondent, or to any other Person, pointing out the most advisable means to be adopted, or limiting him in their choice or application. And even had the Orders of General Gaines been obligatory, as the case which they contemplated never occurred, they must entirely have lost their force and effect. An Order to perform a particular service, or to effect a specific object, without any limitation as to the means to be employed, leaves, it is conceived, an entire discretion with the Officer, as to their character and application;—it then becomes a general power. It is also believed to be true that the limits of such an Order cannot be transcended, without an entire desertion of the object contemplated. The Orders of your Respondent completely superseded those directed to General Gaines; and if so, he must stand acquitted of the high charge of having been guilty of their violation. Yet, if any doubt could exist upon this subject, the subsequent approval of the measures and motives of your Respondent, by the Executive of The United States, completely settles all controversy.

In the first page of the Report, an effort is made to induce a belief that the Treaty of Fort Jackson was negotiated by your Respondent, and that the hostilities of the Seminoles proceeded from its unjust and tyrannical *demands*. Upon this branch of the subject, your Respondent begs leave to remark, that the General Government had some time previously settled the terms of capitulation, and your Respondent, not as a Commissioner or Negotiator, but as the Conqueror of the

Country, received their submission upon those terms;—terms which demanded the surrender of their Prophets, as well as the instigators of the War.

Those Indians, after being routed at Hoithlewallee, in April, 1814, fled to Pensacola, where they were protected, clothed, fed, and supplied with munitions of War, by the Spanish Authorities. They never were parties to the Treaty at Fort Jackson; and, however they might have been dissatisfied with its conditions, as demanded by the Government, their dissatisfaction and hostility were excited by Spanish Agents and British Emissaries resident among them; one of whom was the infamous Woodbine, who was then engaged in enlisting them in his service, by the distribution of presents, and in disciplining them for War. These facts might have been ascertained by a reference to the Correspondence between your Respondent and the Governor of Pensacola, which were on file in the War Department.

Upon the subject of occupying the Spanish Posts, your Respondent thinks proper to observe, that he deemed it essentially necessary to the execution of his Orders. It would have been impossible to have obtained a *speedy and effectual termination of the War*, so long as the Commandants of those Fortresses furnished the Enemy with supplies and munitions of War, and aided, abetted, and encouraged, them in their savage hostilities against our Frontier Settlements.

They had both become the rendezvous for embodying hostile Negroes and Indians, and for giving them comfort and protection. According to the acknowledgments of her own Commanding Officers, the authority of Spain over Florida had ceased, and was to be considered as *derelict* to all intents and purposes. Your Respondent did not believe himself under any obligation to respect an authority that did not exist; a Sovereignty that was not asserted or exercised: reason nor law could require him to respect rights that were suffered to be usurped for the purpose of promoting a most cruel and sanguinary War against the Citizens of The United States. These Posts had been alternately substituted for the Fort, on the Appalachicola, and thither the Negroes and Indians had retreated for shelter and protection, after their defeats at Mickasuky. They constituted the laboratories of the War; and there were their materials collected and organized for active service. They were in reality Indian Forts and Storehouses, attempted to be protected by the Spanish Flag: and had they been in the exclusive possession of our savage Enemies, they could not have derived greater advantages, been more benefited, nor *we* more seriously injured.

Against such an Enemy, what measures were to be adopted under orders that required a *speedy and effectual termination of the War*; and which were to give permanent peace and security to our Southern Frontier? They were not to be met and fought in the open plain, where

as the only measure which could give a speedy and permanent peace to our bleeding Frontiers. The Spanish Government did not consider it an act of War, nor did M. Pizarro or Don Luis de Onis complain of it as a measure of that description. The 2 Governments have acknowledged themselves at peace, and have since kept up a regular and friendly intercourse with each other in the shape of Negotiation.

Neither were the Garrisons made *Prisoners of War*, or treated like *conquered Enemies*, as is stated by your Committee. The contrary will be made clearly apparent, by an examination of the conditions upon which the Spanish Posts were occupied; to which your Respondent begs leave to refer. Your Committee acknowledge that the Spanish Authorities in Florida were guilty of acts of War against The United States; but that her neutral character was not *wholly merged* in that of the Enemy, in consequence of her employing *moral* and not *physical* force. If giving the Negroes and Indians encouragement in their outrages, by the purchase of their plunder; furnishing them with aid and protection, supplies and munitions of War, did not *wholly merge* the neutrality of the Spanish Authorities, and make them associates in the War, your Respondent confesses that he is at a loss for a definition of terms. Agreeably to this idea, it would be improper to consider the Population of a Nation, with whom we were at War, as enemies, save those who were in the field; for it is only the latter who resort to "physical force." This distinction is entirely new, and is in contradiction to many of the most clear and long established principles of *good sense* and National Law.

It is stated by your Committee that all authority at Pensacola was *put down by the sword*, and that a new Government was established, "the powers of which, both Civil and Military, were vested in Military Officers." Every one would be induced to understand, from this, that the terms of capitulation were arbitrarily and tyrannically imposed upon Governor Mazot, when, in fact, they were proposed by himself, and the Civil and Military Government was dissolved at his own instance. The temporary Governor, Colonel King, was an Officer of The United States Army; but Civil Officers were appointed to the different Departments, from amongst the Citizens; and Mr. M'Kensie, a Citizen of Mobile, was placed at the head of the Magistracy. All that was contemplated, was to organize some kind of Civil Authority, for the protection of the lives, liberty, and property of the Citizens during the *temporary* occupancy of the Fortress. The same Government to which the People had been accustomed was retained. It became absolutely necessary to establish the Revenue Laws of The United States, in order to check the smuggling which had been carried on successfully in this quarter for many years; as well as to admit the American Merchant to an equal participation in trade, which would

have been denied, under the partial operations of the Spanish Commercial Code.

The executions of the Indian Chiefs, and British Outlaws, are justifiable on the ground of precedent, and the Laws of Nations. One of the former was a prophet, who had employed his superstitious influence, and the promises of his transatlantic friends, to stimulate his deluded brethren to deeds of rapine and massacre. The other commanded in person the party who perpetrated the cold blooded butchery of Lieutenant Scott, and his unfortunate companions. Both had been engaged in most of the robberies and murders committed, and were active instigators of the savage War which raged on our defenceless Frontier.

Acting as Chiefs of the Negroes and Indians, Arbuthnot and Ambrister, by numerous acts of atrocity, had become identified with those monsters;—*associates* in the War. They were the principal authors of the hostilities of the ferocious Savages, who observed none of the rules of civilized warfare; who never gave quarter, and only took prisoners for the purpose of torturing! They were without authority; principals in an unlawful War. Their mode of carrying it on was characterized by plunder, massacre, destruction, and revenge; and was in open violation of the Laws of War and of Nations. Great Britain would not interfere to prevent those miscreants from instigating the fugitive Negroes and the Indians, from burning, and pillaging, and scalping, the inhabitants of Georgia and Alabama; but she disowned them, and left them to their fate. The Spanish Authorities would not, or could not, interfere, and the Indians regarded them as friends and associates. Both acted as Chiefs of the motley Banditti, giving them counsel, and exciting them to War; and one of them actually led those black and red combatants to battle. They both officiated as Indian Agents, in writing to Spanish Governors and British Ministers, stating their grievances, and soliciting assistance; and sometimes as Quartermasters, procuring supplies, and furnishing munitions of War.

Under these circumstances, it is believed that they merited death, whether they were placed upon an equality with the outlawed Red-sticks, or fugitive Negroes, who were in a state of open rebellion. Indeed, their criminality was of deeper dye than that of the Indian Chiefs. They were the Paymasters for human scalps; and to discharge that high trust, had exiled themselves from their native land; plunged into the recesses of the wilderness, and groped their way to the Indian Camp, for the express purpose of working upon the feelings of the ignorant and untutored Savages; to instigate them to lay waste the abodes of industry and innocence, and stain our soil with the blood of slaughtered women and children! Enjoying the lights of education, yet devoted to this infamous employment, the active Agents in a War

which was marked in its progress by plunder and massacre! Should mercy have been extended to wretches who excited such a War, and who, within a short period, would have renewed the same tragical scenes? As associates of Savages, who respected none of the Laws of civilized warfare, they could not claim the benefit or protection of those Laws, for they were not parties. They were as much Outlaws, to all its provisions, as a Pirate on the Ocean. Such wretches are more criminal than any painted Red-stick; and to pardon them would be treachery to mankind. If, in the ordinary course of justice, it has been deemed wise and politic to take the life of an offender, for the murder of a single individual, both religion and humanity must recommend the infliction of the same penalty upon him who has been conspicuously instrumental in the murder of every age, sex, and condition. Although retaliation might have been employed upon the innocent, for such horrid crimes, yet, in these cases, it fell upon the guilty. Let it be borne in mind, that the Indian Chiefs and British Outlaws were the monsters *demanded* to be surrendered by the Treaty of Fort Jackson; *the terms of which had been antecedently settled by the Government*, ratified by your Honorable Body, and carried into effect by the Congress of The United States; and let it also be recollected, that these were *the prophets and instigators of the War*, upon whom was ordered to be inflicted "exemplary punishment, for hostilities so unprovoked."

The 2 British Incendiaries were not executed upon the *general* charge alone of "exciting the Indians to War," as stated by your Committee; but upon that and other *general* charges subjoined thereto, which they *omitted* to notice; but which may be seen by a reference to the Proceedings of the Court of Inquiry on that occasion.

The case of Arbuthnot and Ambrister was not within the reach of any Rules or Articles of War. The rights and privileges here secured belonged only to our own Countrymen; and as the offences charged were committed by Foreigners beyond our own territorial limits and jurisdiction, our Municipal Code contained nothing by which to test the offence. To it the principles of National Law was alone applicable, which attached no penalty to their crimes other than *death*. In organizing the Court of Inquiry, it was only intended (as in Councils of War) that the opinion should operate directorially, and as advice, not to become binding. In the second Sentence pronounced by the Special Court upon Ambrister, there was a departure from the Rules of that Law, upon which alone it was believed jurisdiction was had of the offence. Nor was it less a violation of the Rules and Articles of War; for those rules had denounced corporal punishment. The Sentence, therefore, was void, because known to no Law. Your Respondent, therefore, conceived himself authorized to carry into

execution the first Sentence; because it awarded the only punishment that was legal to be inflicted; and because his lawless, guilty, conduct entitled him to die. Besides, Ambrister was the most criminal. He had commanded in person a Corps of Negroes, with the view of anticipating your Respondent in the occupation of St. Marks, and was actually taken in arms against the Forces of The United States.

The General commanding, as in all such cases, possessed the right, by the Law of Nations, to retaliate and to punish; nor could the organizing of the Court deprive him of the power. The Court of Inquiry derived its existence, and its whole authority, from the Order for its organization; and no more could they exercise a power not delegated to them, than could a Committee of your honorable Body inquire into matters *not contained in the Resolution which created them*. The Order calls it a *Special Court*, and directs it to perform *special duties*. It only asks for *opinions*; and gives no right to carry those opinions into execution. It details a Recorder, by which a Court of Inquiry is ever distinguished from Courts Martial; the latter having a Judge Advocate, without which no Proceedings can be had, and no Sentence pronounced.

Censure is endeavored to be attached, in consequence of the withdrawal of the regular Troops from the Posts on the Georgia Frontier, and concentrating them at Fort Montgomery, on the Alabama River, a considerable distance west of the Georgia Line. In the commission of this *military error*, your Respondent had no participation; it was done in pursuance of an Order of Mr. Crawford, then Secretary of War—an Order which he was bound to obey, although contrary to his own opinion.

Upon the subject of raising and organizing the Volunteers of West Tennessee, which has called forth the severest animadversions, your Respondent did not, as he conceives, “disregard the Orders of the War Department, the Constitution, and Laws.” His Orders were, to call upon the Governors of the adjacent States, for such additional Military Force, as he might *deem necessary to beat the Enemy*. The Order was entirely discretionary, as no number or description of Troops were mentioned. In the language of the Secretary of War’s Letter to Governor Bibb, your Respondent was “vested with Full Powers to conduct the War in the manner he might judge best.”

When his appeal was made to the Citizens of West Tennessee, the Frontier Settlements were threatened on every side with danger and distress, as well as our Troops at Fort Scott, and on the Appalachicola. Major Muhlenberg was endeavoring to ascend that River with provisions, &c. and was arrested in his progress, and surrounded by 800 or 1200 Indians. Colonel Arbuckle, Commandant at Fort Scott, was also about to abandon his Post for want of supplies. The 1000

Georgia Militia, who had been called out for 60 days, after advancing 40 miles from Hartford, to the neighborhood of Fort Early, were returning home, leaving the command of Colonel Arbuckle, as also the Georgia Frontier, in an exposed and perilous condition. Not only from the Public Journals, but from the Communications of Colonel Arbuckle, had this intelligence been received. Under these circumstances, Major Fanning was despatched to Georgia, with a request that the Governor should continue those Troops in the field for an additional period, or supply the deficiency, as early as practicable, by an equal number of Volunteers.

As it was not known at this time, whether the Governor of Tennessee was at Knoxville, or in the Cherokee Nation, your Respondent made his appeal to his old and tried Comrades in Arms, desiring them to follow him to the field, in defence of their invaded Country. In affording the desired relief, no time was to be lost. Delay was replete with danger; and defeat and disaster would have been the result, had the dilatory process of drafting been resorted to. The same day on which the appeal was made, the Governor of Tennessee was written to, and apprised of the attempt to obtain Volunteers; and that 1000 drafted Militia would be required, should the appeal not be promptly and successfully answered. In reply, the Governor gave his entire approbation to the measure, and co-operated in raising an additional Company of mounted Volunteers, which was commanded by Captain Dunlap, and which joined the Army at Fort Gadsden.

All the Volunteers were raised and organized under the Laws of Tennessee, the Officers of whom were elected by themselves, and *not appointed by your Respondent*, as asserted by your Committee. Although earnestly solicited to appoint them, he peremptorily refused. To the Officers who had served him in the late Creek and British War, he stated, not only in his appeal, but also upon their meeting at Nashville, that they were to organize themselves in the manner they might think proper; that the grade of the Officers was to be determined by themselves; and that those raising Companies were to command them. The only agency of your Respondent in the whole transaction, was the appointment of Colonel Hayne, Inspector General of the southern Division, to superintend their organization, and lead them to Fort Scott, where he took the command. Every measure touching the raising and organizing this Volunteer Corps, was regularly communicated to the Secretary of War, and received his unqualified approbation.

The Committee admit, that the Laws of Congress authorize the President to call on the Governors of the different States for such portions of the Militia as he may deem requisite; but deny that there is any Law in existence vesting him with authority to accept the services of Volunteers. Here they have endeavored to make an im-

pression on the Nation that Volunteers are not Militia ; and that the circumstance of *volunteering* their services in preference to being *drafted*, essentially and radically changes their character. There is certainly no position more unsound ; as is clearly evinced by the fact, that most of the calls of the general Government have been met in this way, by the patriotic and gallant Yeomanry of our Country : until now it has never been complained of.

When a requisition is made by the President on any State in the Union for a quota of Militia, it is sufficient if they are forth-coming ; and it is believed that he has no authority under the Laws or Constitution of The United States to inquire into the mode in which they have been raised and organized. This is a question to be determined exclusively between the Governor of a State and its own Citizens. It is one of the attributes of State Sovereignty, guaranteed by the Federal Constitution, and with which the Executive and Congress cannot interfere. If an Officer of The United States' Army should be guilty of an infringement of this State prerogative, the complaint of its Governor or Legislature should be considered as the only basis to authorise an inquiry into his official conduct.

It is stated by your Committee, that it was not found necessary to furnish the President with a List of the Names of the Militia Officers ; " and not until the *Pay Rolls* were made out, and payment demanded, were the Persons known to the Department of War." A majority of your Committee were within reach of all the information necessary to the correction of *this error*. Colonel Hayne's Communications to the Secretary of War, were on file in that Office ; from which they might have been informed of the number and grade of the Officers, as well as of every particular relative to the organization of the Volunteers ; together with the express and decided approbation of that Department of the Government. Appended to the Report are the *Pay Rolls* filed in the Office of the *Paymaster General*. Why they omitted to examine the *Muster Roll* in the *War Office*, from which the *Pay Roll* was transcribed, your Respondent is at a loss to determine. Upon an examination of the *Pay Rolls*, they should have known that, agreeably to the Rules and Articles of War, they must have been made out from the *Muster Rolls*, which designate, by *name*, the number and grade of the Officers mustered into service. The *Muster Roll*, together with the *Letters* of Colonel Hayne, would have satisfied the Committee that the Volunteers had been organized agreeably to the Laws of Tennessee ; and that it was a procedure over which the general Government could exercise no control.

By the Rules and Articles of War, " Troops, of all descriptions, shall be mustered once in 2 months for payment ; *nor shall any payment be made, but upon Muster Rolls, signed by the Inspector General, or his Assistant* ; or, in the absence of these, by some Officer of the

Army of The United States, especially assigned to this duty by the General or other Officer commanding the Department in which the Troops so mustered shall be."

Again, "the Officers and Soldiers of any Troops, whether Militia or others, *being mustered, and in the pay of The United States*, shall, at all times, and in all places, when joined or acting in conjunction with the regular Forces of The United States, *be governed by the Rules and Articles of War*, and shall be subject to be tried by Courts Martial, in like manner with the Officers and Soldiers of the regular Forces, save only that such Courts Martial shall be composed entirely of Militia Officers."

From these extracts it must appear evident, that no payment can be made, but upon *Muster Rolls*, signed by the Inspector General, &c.; and that, from the time they are made out and received at the War Office, the Militia are considered in the Service of The United States. Neither Congress nor the President have any authority to inquire how their Officers have been appointed; whether they have been received as Volunteers, or raised by the more tedious and vexatious method of drafting. Were the idea of your Committee correct upon this subject, the People of the different States would be deprived of the invaluable privilege of selecting between these two modes of complying with calls made upon them for the defence of our common Country. The General Government had the services of those Troops, which is all that can be required; and they have long since been mustered out of service, and paid from the Public Treasury.

The Committee confess that the Secretary of War approbated the manner in which the Tennessee Volunteers were raised and organized; but say, that "it is but justice to the Department to state, that it was not until the Officers that had assisted in thus officering and organizing this Corps were examined by the Committee, that they were apprised of the illegality of the measure." Surely the Secretary of War must have examined the Communications of Colonel Hayne and your Respondent, stating every particular touching the mode agreeably to which they were raised and organized, as also the *Muster Rolls*, giving the grade and number of the Officers by name; all of which were transmitted, and acknowledged to have been received, at an early period, at that Office. He certainly could not have compromised himself so far, as to give his approbation to a measure before he was made acquainted with its nature and tendency.

Troops, of the same description of the Tennessee Volunteers, were received and employed by the Government on our northern Frontier and southern Borders, during the late struggle with England, and in the War with the Creek Nation of Indians. They fought the battles of Talledega, Emuckfaw, the Horse Shoe, and New Orleans, and protected Mobile from British visitation. Volunteers, similarly raised

and organized, were commanded by Governors Shelby, Harrison, Edwards, and General Porter of New York, during the same period. The Field Officers of the Georgia Militia were appointed in the same manner on the west bank of the Ockmulgee; and one of the present Senators from Tennessee actually appointed the Officers of his own Regiment, which he raised without any authority, and which he commanded on an Expedition against the Seminole Indians, in 1812. The most of those Troops were paid off by The United States, received the approbation of the General Government, and the applause of the Nation.

It is stated in the Report of the Committee to the Senate, that the "whole strength of this miserable, undisciplined, Banditti of deluded Indians, and fugitive Slaves, when combined, did not exceed 1000 men. Opposed to whom, *previous to General Jackson's taking command, and under General Gaines, were a Force of 1800 Regulars and Militia*, besides the 1500 friendly Indians, illegally subsidized by the last mentioned General: what then in this case, becomes of the plea of necessity?" It is plainly to be inferred then, that this motley horde of Negroes and Indians were too inconsiderable to justify raising the Volunteer Force, which was employed in reducing them to a state of submission.

It is well known to all those acquainted with the character of Indians, and their peculiar mode of warfare, that it is almost impossible to form a correct estimate of their aggregate Force, until the termination of the War. In this case General Gaines had computed them at 2800; and Arbuthnot, who officiated as a Military Chief of the Savages, had represented them, in a Communication to the British Minister, Mr. Bagot, to be 3,500 strong. This calculation was by no means extravagant, when it is considered that from 8 to 1200 had been concentrated at a single point, when Lieutenant Scott and Party were attacked, and that they were daily increasing in number. Whatever might have been their whole effective strength, at any period of the War, it could have been augmented by Auxiliary Bands in Florida; and it was certainly the duty of the Commanding General to call out such an additional Force, as should insure success in every emergency. Furthermore, the greatest portion of the Georgia Militia then in the field, could be retained in service only for about 3 months. And it was expected that they would apply for discharges so soon as their time expired. Your Respondent considered the lives of our Citizens as too precious to be risked in a contest with Indians, where there was an odds of 2 to 1, unless dire necessity demanded the exposure. The consequence of an opposite policy was, that the decisive and rapid movement of our overwhelming numbers distracted and dispersed the Enemy, compelled them to seek refuge in the Spanish Fortresses, woods, and swamps; and they never were afforded an opportunity to

display their whole Force by concentration. The War was speedily and effectually terminated, and much blood and treasure saved to the Nation.

With regard to the Indian and Militia Force, under the command of General Gaines, previous to the time your Respondent assumed the command of the Army, he has to remark, that, until a few days anterior to his arrival at Fort Scott, not a single Indian Warrior had joined the Standard of The United States; nor had the first requisition of Georgia Militia ever united with the command of General Gaines; the latter had returned home, in consequence of which, it became absolutely necessary on the part of General Gaines to make a second call on the Governor of that State, for the double purpose of defending the Frontier and occupying Amelia Island.

A few of the friendly Indians joined your Respondent before he reached Fort Scott, and a considerable number at that place, making in the aggregate about 400 or 500. The balance of the Force under his command was not, at that time, more than 900 Effectives; and he confidently affirms, that when he took up the line of march from Fort Gadsden, on the 25th March, 1818, his whole command fit for duty consisted only of 360 Privates of the Regulars, about 800 Georgia Militia, and Major Lovet's Detachment of friendly Creeks. Mc'Intosh and his Warriors were organized at Fort Mitchell, after the arrival of your Respondent at Fort Hawkins, and never united with him until the 1st of April, about 6 miles in the rear of Mickasuky. All these facts were accessible to your Committee, had they been disposed to examine the Letters of your Respondent, on file in the Department of War. To this Department all his Communications were made; and there they should have applied for correct information, if it had been wanted.

The next subject which has exposed your Respondent to bitter reproach from the Committee, is the Order which was directed to General Gaines, to occupy St. Augustine. A Letter from Major Twiggs had conveyed the intelligence that our savage Enemies had been fed and furnished from that Garrison; and it was rendered highly probable, that, aided, abetted, and encouraged, by the Commandant, they were recruiting and embodying at that Place with a view of renewing hostilities. A strong presumption was created that this, like the other Spanish Posts, had become a Depot and rallying point for Negroes and Indians, to which they had retreated for refuge and protection, after being driven from Negro Fort, St. Marks, and Pensacola.

The Order given to General Gaines was entirely conditional and *prospective*; and, had the facts reported been established, as directed, there would have existed the same incontrovertible reason for the occupancy of St. Augustine, as of the other Spanish Fortresses. The

Orders of your Respondent had undergone no modification ; and the measure would have been indispensably necessary to their execution, as well as to the peace and security of our Frontiers. Besides, he had transmitted to the War Department regular information of his proceedings in Florida, with the reasons and motives by which he had been governed, from the 25th of March to the 7th of August, without a sentence of dissatisfaction ever having been expressed by the Government.

Your Committee also report, that " long before this period, the Commanding General had, by his Letter to the Secretary of War, declared the Seminole War at an end ; and after which, not a single new act of hostility had been committed." It is true, after the defeat of the Negroes and Indians, at Mickasuky, the destruction of Suwany, and the Asylum of St. Marks had been wrested out of their occupation, that your Respondent persuaded himself the War was ended. But, subsequent information proved this opinion to be erroneous. The Letter of Governor Bibb, appended to the Report to the Senate, as well as the deposition of Charles Baron, details sundry outrages committed subsequent to the date of your Respondent's Letter to the Secretary of War ; and it is also known that *6 men were murdered in the Interior*, which it is believed was communicated by General Gaines to the War Department. The Communications of General Gaines and Major Fanning, annexed to the Report, also give a very different aspect to this question, and to which your Respondent begs leave to refer your honorable Body.

In the animadversions upon the motives of your Respondent, he cannot withhold the opinion, that there has been exhibited an unusual share of asperity, as also a want of charity and forbearance which was not to have been anticipated from Members of so august and enlightened a Body as the Senate of The United States, deliberating upon a subject which they have represented to be of great national magnitude. Leaving the motives of the Committee on this occasion to their own private review and examination, your Respondent will barely observe, that they have imperfectly recognized the maxim, that innocence is always presumed until the contrary appear by proof. Why they should have inquired into the motives of your Respondent at all, he is at a loss to determine, as it was a matter entirely beyond their control and jurisdiction. The only subject of investigation, was the legality of his official acts as designated in the Resolution of the Senate of the 18th of December.

Your Respondent has no objection to this course, except as a pernicious precedent, and a violation of authority. He has no secrets, and will never shrink from a rigid and impartial examination into his official conduct. Had the Committee adverted to the Order to take possession of St. Augustine, as well as the Communications of your

Respondent to the Secretary of War, upon the subject of his military operations, they must have been satisfied that his motives were to promote the public good—to *obey his orders*, by carrying on a vigorous and efficient War against the savage Enemies of The United States, by which the blood and treasure of the Nation was to be economized; to establish a Peace that would be honorable and permanent, and to give repose and security to our exposed and defenceless Borders.

In this instance, as well as in some others, the Report of the Committee is contradicted by the evidence of its own Documents. The Depositions of Colonel Butler, (and Major Eaton, a Member of the Committee,) conclusively prove, that your Respondent had no agency in speculating in Florida Lands, which is in direct opposition to the inference drawn by your Committee. No Member of that Committee can, for a moment, seriously and candidly harbor the opinion that your Respondent would lead a gallant Army into the Field—jeopardize the lives of valuable Citizens—risk the ruin of health and reputation, and “*violate the Constitution*” of his Country, for the purpose of speculating with security in Spanish Lands. The “*motives of his own, unconnected with his military functions,*” were a desire to end speedily a savage War, and to save the blood and treasure of the Country; and not, as charged, to adventure his health and reputation, and the lives of brave men, in quest of titles to Florida Lands. The imputation is unwarranted and unjust, and has its refutation in the very testimony which the Committee have published. The dignity of his office, which, at every exposure, he has sought to maintain, never has been prostituted to the purposes of speculation in any way, and it never shall. Strange, then, that honorable men should make so foul an accusation without proof; nay, without even circumstances to support it.

Your Respondent would beg leave, in this place, to remark upon the Depositions annexed to the Report. He ventures the opinion that such Documents never before have been published to the World as evidence upon which to predicate a Report. Eaton’s and Mitchell’s are the only Depositions presented in a legal form. To those 2 gentlemen, regular interrogatories were proposed, to which they deliberately responded and affixed their signatures, as required by Law. Doctor Bronaugh’s Deposition is signed, but not given under oath; Colonel Butler’s, Colonel Gibson’s, and Captain Call’s, are neither sworn to nor signed. The Depositions of the 4 last gentlemen were published without their knowledge, although they had received a promise from the Members of the Committee, who took down the testimony, that it should be copied, and again submitted to them for correction and signature.

Until Depositions are fully examined, amended, and signed, by the Witnesses, they cannot be considered good and complete evidence. This is a rule, which, it is believed, is uniformly adhered to in all

Judicial Tribunals; it never should be departed from on any occasion; as it is essentially necessary to an impartial administration of justice. Every opportunity should be given the Witnesses to make a fair and full disclosure of the facts; to consider the force and effect of their expressions, as well as the import of every sentence. By an opposite procedure irreparable injustice may be done, and the rights of a Public Agent sacrificed by those who should afford him security and protection.

There are several minor points touched upon by the Committee, to which your Respondent considers it unnecessary to give a particular reply; as they are of inconsiderable importance, and could not be noticed, without swelling this Memorial to an unwieldy size. He flatters himself they have been satisfactorily answered in the discussion of the other subjects, out of which they have incidentally arisen. They will all, however, be more amply and minutely explained, by an examination of the Documents heretofore communicated to Congress, relative to the Seminole War; to others on file in the War Office, and to those accompanying this Memorial; to all of which your Respondent respectfully refers your honorable Body.

To conclude: Your Respondent has devoted his best services to the cause of his Country, and to the perpetuation of her liberties. Her Constitution and Laws are objects of his sincere veneration; and every anxiety of his heart has been enlisted to promote the glory and happiness of his Country. How far he has been instrumental, under the guidance of Providence, in effecting those desirable objects, he submits to the decision of his enlightened Fellow Citizens. He does not pretend to be exempt from the errors common to human nature. Surrounded, as he was, by every privation and embarrassment—in all the hurry and bustle of War, it was next to impossible to attend particularly to every minor consideration.

But, upon the great errors charged—a breach of his Orders—a departure from the Constitution,—and a violation of the rights of humanity, he openly maintains his innocence, and denies that the charges are correctly made. He calls upon the Senate, by the high claims they prefer to magnanimity, to protect his reputation from the unmerited censure cast by their Committee. He asks for justice, and nothing more; to extend it, is due to your Respondent, to the Senate, and to the Nation.

ANDREW JACKSON.

The Honorable the Senate of The United States.

(1.)—*The Secretary of War to General Jackson.*

SIR, *Department of War, Washington, 26th December, 1817.*

YOU will repair with as little delay as practicable to Fort Scott, and assume the immediate command of the Forces in that Quarter of the southern Division.

The increasing display of hostile intentions by the Seminole Indians, may render it necessary to concentrate all the contiguous disposable Force of your Division upon that Quarter. The Regular Force now there, is about 800 strong, and 1,000 Militia, from the State of Georgia, are called into service: General Gaines estimates the strength of the Indians at 2,700. Should you be of opinion that our numbers are too small to beat the Enemy, you will call on the Executives of the adjacent States for such additional Militia Force as you may deem requisite.

General Gaines had been ordered early in last month to repair to Amelia Island. It is presumed, therefore, that he has relinquished the command at Fort Scott. Subsequent Orders have been issued to the General, (Copies of which will be furnished to you) advising him that you would be ordered to take command, and directing him to resume, should he deem the public interest to require it, the command at Fort Scott, until you should arrive there. If, however, the General should have progressed to Florida before the subsequent Orders may have reached him, he was instructed to penetrate to the Seminole Towns through Florida; provided the strength of his command at Amelia would justify his engaging in offensive operations. With this view you may be prepared to concentrate your Forces, and adopt the necessary measures to terminate a conflict, which it has ever been the desire of the President, from considerations of humanity, to avoid, but which is now made necessary by their settled hostility.

I have the honor to be, &c.

Major-General Jackson.

J. C. CALHOUN.

(2.)—*General Jackson to the Secretary of War.*

Head Quarters, Division of the South,

SIR,

Nashville, 12th January, 1818.

I HAVE the honor to acknowledge the receipt of your Order of the 26th ultimo, which reached me last night; its contents are duly noted, and will be promptly attended to.

I have received no late advices from General Gaines, although I have for some time expected the return of the Express sent to him on the 24th of November last. Taking into view the strength of the Seminoles, and their adherents, as reported to you by General Gaines, and the aggregate of his strength, Regulars and Militia, amounting to but 1,800 men, which cannot possibly afford a like number of Effectives; considering, likewise, that the greater part of his Forces are

drafted Militia from Georgia, who may apply for their discharge at the expiration of 3 months from the time they were first mustered, and who may be disposed to claim this right, and abandon the Campaign about the time I could reach Fort Scott, I have deemed it both prudent and advisable to call, from the west end of the State of Tennessee, 1,000 Volunteer mounted Gun-men, to serve during the Campaign. With this Force, in conjunction with the Regular Troops, I can act promptly, and, with the smiles of Heaven, successfully, against any Force that can be concentrated by the Seminoles and their Auxiliaries. Viewing, however, the lives of our Citizens as too precious to be risked in a contest with Savages, with the odds of 2 to 1, unless where real necessity demands the exposure, I have, therefore, written to the Governor of Georgia to continue in the field the 1,000 men required by General Gaines.

The result of the appeal I have made to the patriotism of those brave men in West Tennessee who have so often followed me to the field of danger, will be known by the 19th instant; and I hope to leave this for Fort Scott by the 22d. Of my movements and success, in raising the mounted Volunteers, you shall be advised.

It may appear to the Government, at first view, that mounted men are the most expensive; but when we consider the rapidity of their movements, the amount of Quartermaster's Expenditures for pack horses, baggage wagons, and other means of transportation, indispensable to foot-men, in this instance saved, mounted gun-men, as Auxiliaries, in such a Campaign as the one contemplated, will be found to save both blood and treasure to The United States. The Volunteers that have been invited to the field are of tried materials, and such as can be relied on in the day of danger and trial.

With great respect, &c.

The Hon. J. C. Calhoun.

ANDREW JACKSON.

(3.)—*The Secretary of War to Governor Bibb.*

(Extract.) *Department of War, Washington, 13th May, 1818.*

GENERAL JACKSON is vested with full power to conduct the War in the manner he may judge best.

Governor Bibb.

J. C. CALHOUN.

(4.)—*The Secretary of War to General Gaines.*

(Extract.) *Department of War, Washington, 16th January, 1818.*

THE honor of The United States requires that the War with the Seminoles should be terminated speedily, and with exemplary punishment for hostilities so unprovoked. Orders were issued soon after my arrival here, directing the War to be carried on within the limits of

Florida, should it be necessary to its speedy and effectual termination. The Orders, I presume, have been received.

Brevet Major-General Gaines.

J. C. CALHOUN.

(5.)—*The Secretary of War to General Jackson.*

(Extract.)

29th January, 1818.

YOUR Letters of the 12th and 13th are received. The measures you have taken to bring an efficient Force into the field are approbated; and a confident hope is entertained, that a speedy and successful termination of the Indian War will follow your exertions.

Major-General Jackson.

J. C. CALHOUN.

(6.)—*The Secretary of War to General Jackson.*

(Extract.)

6th February, 1818.

I HAVE the honor to acknowledge the receipt of your Letter of the 20th ultimo, and to acquaint you with the entire approbation of the President of all the measures you have adopted to terminate the rupture with the Indians.

The honor of our Army, as well as the interest of our Country, requires that it should be as speedily terminated as practicable; and the confidence reposed in your skill and promptitude assures us that peace will be restored on such conditions as will make it honorable and permanent.

I have the honor, &c.

Major-General Jackson.

J. C. CALHOUN.

(7.)—*The Secretary of War to General Pinckney.*

SIR,

War Department, Washington, 24th March, 1814.

SINCE the date of my last Letter, it has occurred to me that the proposed Treaty with the Creeks should take a form altogether military, and be in the nature of a *Capitulation*; in which case, the whole authority of making and concluding the terms will be in you, exclusively, as Commanding General. In this transaction, should it take place, Colonel Hawkins, as Agent, may be usefully employed.

I am, &c.

Major-General Pinckney.

JOHN ARMSTRONG.

(8.)—*The Secretary of War to General Jackson.*

(Extract.)

War Department, Washington, 24th May, 1814.

IN the event of your acceptance of the appointment suggested by my Letter of the 22d instant, I have to suggest the wish of the President that you should proceed without delay to Fort Jackson, and consummate the arrangements committed to Major-General Pinckney,

in relation to the hostile Creeks. A Copy of the Instructions given to General Pinckney is enclosed.

Major-General Jackson.

JOHN ARMSTRONG.

(9.)—*The Secretary of War to General Pinckney.*

War Department, Washington, 17th March, 1814.

THE policy dictated, as well by the unprovoked, and ungrateful, conduct of the hostile Creeks, as by a due regard to the future safety of the south-western Frontier, may be brought under the following heads, viz.:

1st. An indemnification, (for expenses incurred by The United States, in prosecuting the War,) by such Cession or Cessions of Land, as may be deemed an equivalent for said expenses.

2d. A Stipulation on their part that they will cease all intercourse with any Spanish Post, Garrison, or Town; and that they will not admit among them any Agent or Trader, who does not derive his authority or licence from The United States.

3d. An acknowledgment of a right in The United States to open roads through their Territory; and, also, to establish therein such Military Posts and Trading Houses, as may be deemed necessary and proper; and

4th. A surrender of the Prophets, or other Instigators of the War, who will be held subject to the orders of the President.

With these outlines as your guide, you are authorized, in conjunction with Colonel Hawkins, to open and conclude a Treaty of Peace with the hostile Creeks, as soon as they shall express a desire to put an end to the war.

I am, &c.

Major-General Pinckney.

JOHN ARMSTRONG.

(10.)—*Governor Bibb to General Jackson.*

DEAR SIR,

Fort Crawford, 19th May, 1818.

THE Indians commenced their murderous incursions on the Frontier Settlements in January last, when 2 men were killed in this neighborhood. No events occurred afterwards to excite apprehension, until the 14th of March, when a house on the Federal road, near Poplar Spring, was attacked and 8 Persons killed. This intelligence reached me at Claiborne, from whence a Detachment of mounted Riflemen was immediately ordered to the place for one month's service. A few days after, 5 men, while travelling the road, were fired at and 3 killed; from whom 1,500 or 2,000 dollars were taken. The People for the most part were flying for safety in every direction; all communication, by mail or otherwise, with Georgia, wholly suspended. The Indians were known to be still in that Quarter. In this state of things, 3 Posts were established by my order, at which there are, in the whole, about 100 men, who have instructions to scour the woods from day to day. A

fortnight since they found a Camp, but on their approach the Enemy fled to a contiguous swamp, from whence they fired and killed one man. The Commanding Officer informs me, that he thinks the number of Indians, now in the neighborhood, considerable. I should have mentioned, that, in April, a house, within 15 or 20 miles from Claiborne, was attacked, the husband killed, and wife and 2 daughters wounded; 30 dollars, a quantity of bacon, and every article which could be conveyed away, taken and carried to Pensacola, where I believe the murderers might still be found.

I yesterday learnt, that one Indian was killed and another wounded near the "Poplar Spring." This detail of events, however, was probably unnecessary, as you will receive from Major Youngs every intelligence upon the subject. My principal object is to state, that, in my efforts to protect the People over whom I preside, the Territorial Treasury being destitute of funds, has afforded me no supplies whatever; nor has it been in the power of the Commanding Officer here, to render the aid, which he has uniformly manifested the best disposition to afford. I am desirous that the Troops should be considered in the service of The United States, and the Accounts adjusted when their term of service expires. One Company rendezvoused at Poplar Spring for 3 months' service on the 10th April; and a Detachment of 25 at Sepulgar lately, for the same term of service.

The expenditures incurred have been considerable, and altogether beyond my means of paying. You will readily perceive how unpleasant has been my situation, without the means of affording the protection necessary to keep the Inhabitants at their homes. The Regular Force in this Quarter has been insufficient for the defence of the Country; the Militia I have not had time to organize, and, above all, not a dollar in the Treasury. My views of the necessity of forwarding men and money to this section of the Country, have been repeatedly stated to Colonel Trimble, but I apprehend it has not been in his power to meet them.

Having endeavored, in vain, with my limited resources, to arrest the Enemy after their successive murders, and being satisfied that they sought refuge in Florida, I determined to raise a Volunteer Force, and order them to attack the hostile Indians without regard to our Boundary. A part of the Force is now under the Command of Major Youngs, and Captain Stull is in possession of my Order. Had I been furnished with funds, the Enemy would have been driven from that retreat long before this time; persuaded, as I am, that it is the only effectual method of affording security to this Territory.

I have this moment received intelligence which leaves no doubt of your approach to this Quarter; and I shall now leave the Territory, perfectly satisfied that the People will not suffer by my absence. Mr. Henry Hitchcock is appointed Territorial Secretary, and will act as

Governor after I set out from Fort Jackson, which will be on the 26th or 27th of this month. I may, however, be detained a few days longer in arranging with the Brig, *Warrior*, the reception of a party of Indians who sued for Peace, and delivered themselves to Major Youngs: this they did so soon as the Major convinced them, by a well timed and well executed expedition, that they would no longer be permitted to murder our Citizens and find refuge in the Spanish Territory.

There are at this place 40 Volunteers, and the same number of Militia at Camp Montgomery. Should you need any additional aid from the Territory it would be promptly furnished, should you notify me at Fort Jackson before my departure.

I enclose to you Letters I have received from the Commanding Officer of the Militia, near Poplar Springs, which will present to you the state of things in that quarter. Excuse this hasty scrawl, and accept the assurances of my regard and esteem.

Yours respectfully,

Major General Jackson.

W. W. BIBB.

(11.)—*Affidavits and Statements, relative to the aggressions of the Indians, &c.*

I, JAMES GADSDEN, a Captain in the Army of The United States, on oath, declare, that, during the whole period in which the transactions below detailed took place, I was an Aid-de-camp to Major General Andrew Jackson, and that the following Narrative contains a true Statement of facts to my knowledge.

Early in January, 1818, General Jackson received Orders from the War Department to repair to Fort Scott, assume the Command of the Army, and to bring the conflict with the Seminole Indians to a speedy termination. The Secretary of War stated the Enemy's Force to be 2,700 or 2,800 strong, and gave authority to the General to call, from the neighboring States, such a Force as would ensure the desired object. The regular Brigade under General Gaines did not, according to the last reports, exceed 600 Men. He had called upon Georgia for not more than 1,200 Militia; and it was uncertain, at that period, whether the friendly Creek Warriors would accept of the invitation tendered. Some additional Force was therefore deemed necessary, and the speediest mode of raising it, was a subject of solicitude to General Jackson. Governor M'Minn, of Tennessee, was engaged about this period in carrying into effect a Treaty with the Cherokee Nation; and it was a matter of great uncertainty whether a Letter would find him at his usual place of residence, near Knoxville, or not. He was not at the Capital of the State; and his friends in and about Nashville were generally under the impression that he was still in the

Cherokee Nation. General Jackson determined therefore to make an appeal to his old Companions in Arms; many of whom held Commissions in the Militia of the State. His circular to these Men, and his Letter to the Governor, notifying him of what he had done, have been published.

I was present at the meeting of the Field Officers of the Volunteers at Nashville, and heard no remarks of General Jackson, calculated to control or influence them in the selection of their Officers. The only subject of anxiety with him, appeared to be that the Men should be raised by the 1st of February. He desired that the number should be completed; that the Men should be satisfied with their Officers; that they should rendezvous at Fayetteville, be mustered into service, and overtake their General on the Frontiers of Georgia. Colonel Hayne, Inspector General, was instructed to command the detachment on their march to Fort Scott. He received authority to appoint no other Officers than those attached to his personal Staff; a privilege enjoyed alike by Regular and Militia Commanders. The Nashville Company elected their own Officers; and the Kentucky Company was raised without even the knowledge of General Jackson. Their own feelings led them into the field, upon the mere knowledge of the fact that the Frontier was exposed to Indian aggression.

I accompanied General Jackson through a part of Tennessee, previous to his departure south. In every Village we passed through, much interest was taken in the approaching Campaign; and the Citizens were generally inquisitive as to the nature of the appeal to their patriotism. I was directed by General Jackson to explain its character; and, in every instance, expressed but one opinion, as derived from him, that 1000 Men were wanted to put a speedy close to the Seminole War; that, in consequence of the confidence which the General had in his old Comrades in Arms, and the facility with which Volunteers could be raised, he had made this appeal; that they must be satisfied with their Commanders, and elect their own Officers. On this subject, I found many individuals exceedingly scrupulous. They were assured that no intention was entertained to impose Commanders on them; that the Men were wanted, and the General was well aware that, to be efficient, they must be contented with their Officers.

General Jackson left Nashville with one Company of Tennesseans. A Company of Kentuckians overtook him in the Cherokee Nation; and the Tennessee Brigade had orders to join him, as soon as organized, on the Frontiers of Georgia. From Hartford, General Jackson moved with the Georgia Brigade, and was reinforced, on his march to Fort Scott, by about 600 friendly Creeks.

From Fort Gadsden, where the operations of the Campaign may have been said to have commenced, the movement was made with a

Force, of Regulars, Georgians, and Indians, not exceeding 2,000 Men. The strength of the Enemy was not known, at this time, to be less than that stated by the Secretary of War, 2,700. A detachment of Tennesseans, and General Mc Intosh's Warriors, overtook the Army on the morning of the attack on the Mickasuky Villages; and all the Troops called into service were not finally concentrated until the day after the movement from St. Marks towards the Towns on Sahwanne River. The actual force of the Enemy was never ascertained, until their final dispersion from the Sahwanne River. Rumor often magnified their strength beyond that stated by the Secretary of War.

The demand of the surrender of St. Marks was made in amity. General Jackson received intimation that the Indians and Negroes, combined, wished to throw themselves into that Work, as a dernier retreat; and the Governor of Pensacola had stated that the Work and Garrison were both too weak to resist their meditated attacks. I was entrusted with the Communication to the Spanish Commandant of St. Marks, and directed to urge the propriety of an *amicable* permit for the Fort to be occupied by an American Garrison, until the close of the War, on the ground that the Seminole Indians were Enemies to both Nations; and that every facility should be afforded the American Arms in closing a War so injurious to both Parties. In the course of the Negotiation, facts disclosed themselves, developing the real character of the Spanish Commandant, and, in a measure, implicating him as a party in the War. These facts were reported to the General; and not until then was the order issued for entering the Fort by violence.

On the return of the Army to Fort St. Marks, from the Towns on the Sahwanne River, General Jackson expressed to me his determination to return to Nashville, conceiving that the War was closed. On the next day, information was given, by the Captain of a small Schooner from Pensacola, that hostile Indians were lurking about that Town; that they had frequently sought refuge to the west of the Appalachicola River, and were committing depredations on the road leading from Georgia to the Alabama. On this information, General Jackson observed, that it would be necessary to leave strong Garrisons in St. Marks, Forts Gadsden and Scott, and send a party to scour the Country west of the Appalachicola; but he still expressed his intention to return to Nashville. So well persuaded were the Officers, generally, that all operations were over, that many of them sought leave of absence. An Officer attached to General Jackson's Staff, as Volunteer Aid-de-camp, left him at this place for New Orleans. Previous to his departure, he was told by General Jackson that his services would no longer be necessary, as he was determined to return to Nashville.

Lieutenant Sands was not sent to Mobile to forward on a train of artillery to a given point. This Officer had commanded for many years in Mobile; and, being attached to the place, expressed a wish to visit it, with a view of being reinstated in the command, if possible. His request was granted, and he received an Order, at the same time, to have a few pieces of ordnance in a condition for field service. Colonel Gibson received Instructions, subsequently, from Fort Gadsden, to have the artillery, ammunition, provisions, &c. transported to Fort Montgomery.

On the return of the Army to Fort Gadsden, General Jackson received a Reply from the Governor of Pensacola, to his Letter relative to provisions ascending the Escambia River. At the same time, Letters were received by individuals, and further information from the Captain of the Schooner, that Pensacola was under the control of the Indians; that more than 400 Warriors were in its vicinity, preparing for the renewal of hostilities on the Alabama Frontier. Major Hogan, who had recently arrived from Fort Montgomery, reported some murders lately committed by Indians direct from Pensacola, and who had returned with their plunder and scalps to that place. On the receipt of this information, General Jackson observed to me that he must himself command the Troops destined to scour the Country west of the Appalachicola. *He did not, at that time, intimate an intention of occupying Pensacola.* To give security to the Frontiers of Alabama was his object; and that his operations must be governed by circumstances which might occur.

On the 3d or 4th days of March, an Express was sent to Colonel Gibson, at Fort Montgomery, to endeavor to join the Army with the artillery and provisions, at or near Durand's Bluff, the lower crossing place on the Escambia.

At this place a Letter was received, by express, from Governor Bibb, detailing the murders which had been committed by hostile Chiefs from Pensacola; and the next day after the Army had crossed the Escambia, the Protest of the Governor of Pensacola was received. The bearer was despatched with a Note, promising a reply to the Protest that night. The same day, I was sent to Pensacola, with a Reply. The Governor had left his capital. The next day, the Communication demanding the occupancy of Pensacola and its Dependencies, until Spain should control, by an adequate Military Force, the Indians within Florida, was delivered to the Governor, at the Barrancas; and, on his refusal to accede to the terms of that Communication, the Army took up its line of march to that place. The result is known.

The plan of St. Augustine was sent to General Jackson, at my request, and is now in my possession. As an Engineer attached to the Seminole Army, it was my duty to be prepared for any events, by obtaining accurate knowledge of the Country which might be the

scene of operations. I did not request the plan of the proprietor, from any intimation from General Jackson that he intended or wished to visit that Fortress.

JAMES GADSDEN.

MR. SEBASTIAN CARO, a Citizen of Pensacola, being sworn, states that, being in Mobile during the early part of the Seminole campaign, he knew nothing of the Indians being at that time in Pensacola; that, in the spring of 1814, about 200 Indians were in Pensacola, and it was generally understood by the Citizens, and believed by them, that those Indians procured ammunition and provisions from the public stores, for the purpose of carrying on their depredations on the American Frontier; and that this proceeding was much commented on by the Citizens, and generally condemned. Mr. Caro did not, himself, see ammunition and provisions issued to the Indians, but it was a thing of public notoriety.

SEBASTIAN CARO.

JOSÉ E. CARO, a Citizen of Pensacola, being sworn, states that, early in the present Year, 1818, a party of hostile Indians were in Pensacola, their numbers not known, but probably 50; that, on hearing of the approach of the American Army, under General Jackson, the Governor of Pensacola furnished those Indians with provisions and ammunition, and sent them in public Boats across the Bay. The Deponent saw the rations issued, and the party embarked. The Deponent further states, that, subsequent to this, he saw 3 parties of hostile Indians furnished with provisions, the ostensible object of which was, to enable those Indians to march to the interior, and give themselves up; but it was generally believed that those Indians had no such intention. The Deponent saw those Indians set out, and states that they had their arms.

JOSÉ ESTEEVEN CARO.

CARLOS BARON, a resident of Pensacola, being sworn, states that, about the latter end of April, or beginning of May, 1818, a party of Indians, amounting to near 100, were in Pensacola, with a quantity of plunder, which, it was generally believed, was taken at the time Stokes' family were murdered on the Escambia. The Indians sold this plunder, openly, to the inhabitants of Pensacola; and the Deponent could not learn that the Spanish Authorities at Pensacola made any inquiries respecting it. The Deponent further states, that, at several times in the present Year, 1818, he saw parties of Indians furnished with provisions and ammunition, from the King's stores; but he does not recollect the dates of these transactions.

The Deponent further states, that, he has frequently heard Spanish Officers at Pensacola justify the conduct of the Indians towards The United States, manifesting, in their conversation, a decided hostility towards the Americans.

CARLOS BARON.

PEDRO SENAC being solemnly sworn, declares as follows :

That he has resided in the Town of Pensacola, constantly, since the month of November last past : that, since that time, and until the arrival of Major Youngs, near this Town, there were always considerable numbers of hostile Indians in or near the Town ; that, on many occasions within that period, he has seen from 150 to 200 Indians here ; that their forces were regularly provisioned from the King's store here ; that he has seen large quantities of sheet lead in possession of the Indians, and considers it as greatly resembling the lead aprons of cannon ; that the Government must have furnished the lead in question, as there were no other means here of getting such lead ; and that the said lead was run off into balls, which the Deponent saw.

That, on the day that Major Youngs attacked a party of Indians near this Town, there was then, *in town*, a considerable number more, who were set across the Bay, in Boats provided for the purpose, by that Spanish Governor.

Deponent further states, that, about the 1st of March last past, 3 considerable parties of hostile Indians, one party under the command of Leon Lesassier, another under the command of Arnaud Gilmar, (both Lieutenants in His Catholic Majesty's service) and the third commanded by an Indian Chief, retired out of this Town, and went down towards the neighborhood of Barrancas, where provisions and ammunition were regularly supplied to them by the Spanish Government ; that the said Indians were armed with guns, which they had received from the English, during the late War ; and that they remained encamped within from 1 to 3 leagues from Barrancas, for the space of nearly a month ; that these Indians, besides being armed with guns, had also tomahawks, which Deponent understood, and believes, were furnished by John Innerarity ; and that, when the Government caused the said parties to be thus assembled and equipped, they were collected at Barrancas, for the purpose, as Deponent conceives, to elude the vigilance of such individuals in Pensacola as would not concur in such measures.

Deponent further states, that, since the said month of November last past, he has seen brought in here by the Indians, a quantity of cottonade and women's clothing, brought, or said to have been brought, from the American Frontier ; that these things were publicly sold in

this Town, notwithstanding it was notoriously known here, that those articles and property had just been taken from those whom the Indians had killed on the American Frontier.

PEDRO SENAC.

I, ISAAC MC KEEVER, a Lieutenant in the Navy of The United States, on oath declare, that the following narration contains a true statement of facts, to the best of my knowledge: I commanded the Naval Force which convoyed the Store Ships, Transports, &c. from New Orleans to Fort Gadsden, and from thence to the Bay of St. Marks, during the Seminole War. I arrived in the said Bay, on the 1st April, 1818, with British Colors flying at my mast head: on the next day I was visited by a Spanish Lieutenant, the second in command at Fort St. Marks. The Lieutenant was inquisitive as to the character of my Vessels, and the nature of my visit; and wished to know whether I had any authority from the Captain-General of Cuba for entering the Territories of His Catholic Majesty. In reply, I asked him if he had seen my Colors on entering the Bay of St. Marks, and intimated, that the nature of my visit could not be satisfactorily explained, until the arrival of Captain Woodbine, at the same time intimating that it was of an illicit character, and that succor, aid, &c to Hillishadjo and his Warriors, in their present distress, was intended. At the mention of this, he expressed much satisfaction, stated that Captain Woodbine and the Spanish Commandant of St. Marks, were good friends, and voluntarily gave me every information as to movements of General Jackson's Force, and his strength; the situation of the hostile Indians he detailed at length, and stated, what rejoicing the reception of the long promised and expected succor would occasion. He stated, that Hillishadjo and the Spanish Commandant were on intimate terms, that the former was then in the vicinity, and had lately been at the Fort of St. Marks, when he had urged, with menaces, the Commandant to send on board to ascertain to demonstration the character of the strangers, and having satisfied himself, he would see Hillishadjo that evening, after which we might expect a visit from the latter, who accordingly came on board the following morning. He likewise, informed, that Arbuthnot, a friend to the hostile Indians, and an acquaintance of Woodbine's was in Fort St. Marks. On my expressing to him some apprehension of being blockaded by an American Squadron, reported to be on the Coast, or of my retreat being cut off by Jackson, he replied, that the latter was impossible, that Jackson had but 5 pieces of artillery, and the impracticability of the swamp would prevent his assuming any position below me, but, that I need apprehend no danger from any quarter, that as Allies, by anchoring under the guns of the Fort, protection would be afforded me.

About this time, we were informed by the Spanish Officers and Indians, who came on board, that on our arrival within the Bay, the Indian camp demonstrated much joy at the approach of their expected supplies of munitions, &c.

New Orleans, June 5th, 1819.

I. M'KEEVER.

ABOUT the 1st of May, 1818, I was sent by the Officer commanding at New Orleans, in charge of a public Transport Schooner, with provisions for the Garrison of Fort Crawford; with Orders to touch at Pensacola, and obtain permission, of the Governor of that place, to ascend the Bay of Pensacola and the Escambia River, through the Spanish Territory, to my destination. I arrived at Pensacola on the 16th of May, and immediately reported the Schooner, her Cargo, and destination, to the Governor; notifying him, at the same time, of my wish to proceed without delay. On the 18th, the Governor informed me, that he was not authorized to let the provisions proceed without the payment of a transit duty of 2 per cent; and required an Invoice of the Cargo to be rendered to the Custom House, in order that an estimate might be made of the Duties imposed. I remonstrated with him against the payment of Duties on public Supplies, on board a public Vessel, and designed for public service, and urged a free passage as an act of friendship only, which neighboring Nations, at peace, were bound in common justice to extend to each other; all without avail: Fort Crawford being then short of provisions, I was forced by necessity to accept the passage on the terms offered; and, accordingly, entered the Cargo at the Custom House, and paid the Duties required into the Royal Treasury.

I inquired of the Governor, whether Transports, charged with public Supplies, and destined for Fort Crawford, would thereafter be suffered to pass Pensacola free of the Duties imposed in the present instance; and was informed, that a categorical answer could not then be given to the inquiry, as the Captain General of Cuba had not yet given a decision on that point, and whatever he might resolve, would be communicated.

When the Transport came to anchor in the Port of Pensacola, I discovered, distinctly, several groups of Indians on the water's edge; and, aware of the impotency of the Spanish authority, I was apprehensive I should not be permitted to land in safety. Before I was ready to leave the Vessel, however, the Governor's Aid came on board, and, before we reached the shore, the Indians had mostly disappeared. I was afterwards informed, that at the time the Transport came to anchor, there were upwards of 100 in the Town; who immediately retired to the neighboring woods, by order of the Governor. I was further informed, by a respectable Citizen of Pensacola, that a few days preceding my

arrival, a considerable number of Indians, who had taken refuge in that place, had been transported, by the Governor's authority, to Saint Rose Island, on the opposite side of the Bay.

The Undersigned certifies upon honor to the correctness of substance of the foregoing Statement.

Washington City, Feb. 1, 1820.

T. CROSS,

Captain of The United States Army.

I WAS Quartermaster General of the South Division on the Seminole Campaign. At Ford Gadsden I received orders to proceed to Mobile and Fort Montgomery, for the purpose of forwarding supplies to the Army, then on its march West. From Mobile I sent the Schooner *Little Sally*, Captain Pastes, loaded with provisions, to the Perdido River, with Instructions to remain there until the approach of the Army, or until further orders. Two days after we arrived at the Barrancas, Captain Pastes joined, and informed us that his Vessel had been taken by a Spanish Launch near the mouth of Perdido, and brought under the guns of the Fort Barrancas, and detained several days. This was confirmed by several Spanish Officers after we took possession of the Fort.

I certify on my honor to the truth of the above Statement.

Washington, 1st February, 1820.

GEO. GIBSON,

Late Quartermaster General, South Division.

(12.)—*The Secretary of the Navy to Commodore Patterson.*

SIR, *Navy Department, Washington, 27th March, 1818.*

IN the present state of hostilities between the Indians and The United States, your aid and co-operation may be required by the General commanding The United States' Army in the South. You will therefore afford all the aid and support in your power, and keep up a Correspondence for this purpose.

Dispatch immediately 2 Gun-boats and 2 of the small Vessels to Mobile and to the Appalachicola, to protect the Convoys of Supplies, and to remove any obstructions to a free communication between the Forts and Forces of The United States. It will be your duty also to adopt such further measures as the circumstances of the case or the development of events may render necessary.

B. W. CROWNINSHIELD.

P. S.—Commandant J. D. Henley is also ordered to send one of the small Vessels of his Squadron to the Appalachicola, which Vessel will be subject to your order.

Commodore D. T. Patterson,

Commander, Naval Station, New Orleans.

(13.)—*Order for the Trial of A. Arbuthnot and R. C. Ambrister.*
Head Quarters, Division of the South,
Adjutant General's Office, Fort St. Marks, 26th April, 1818.

GENERAL ORDER.

THE following Detail will compose a *Special Court*, to convene at this Post, at the hour of 12 o'clock, A. M. for the purpose of investigating the charges exhibited against A. Arbuthnot, Robert Christy Ambrister, and such others who are similarly situated, as may be brought before it. The Court will record all the Documents and Testimony in the several Cases, and their *opinion* as to the guilt or innocence of the Prisoner, and what punishment (if any) should be inflicted.

DETAIL.

Major-General E. P. Gaines, *President*.

Members.—Colonel King, 4th Infantry. Lieutenant-Colonel Gibson, Tennessee Volunteers. Major Montgomery, 7th Infantry. Colonel Dyer, Tennessee Volunteers. Lieutenant-Colonel Elliot, Tennessee Volunteers. Major Minton, Georgia Militia. Colonel Williamson, Tennessee Volunteers. Major Muhlenburg, 4th Infantry. Captain Vashon, 7th Infantry. Lieutenant-Colonel Lindsay, Corps Artillery. Major Fanning, Corps Artillery. Captain Crittenden, Kentucky Volunteers. Lieutenant J. M. Glassell, 4th Infantry, Recorder.

An Orderly will be detailed from General Gaines's Brigade, and the Court will sit without regard to hours.

By order of Major-General Jackson.

ROBERT BUTLER, *Adjutant-General*.

(14.)—*The Secretary of War to General Jackson.*

SIR, *War Department, Washington, 2d October, 1816.*

YOUR Communication of the — ult. with its Inclosures, have been received and submitted to the President, as well as my Letter of the 27th ultimo to you.

Since the date of that Letter information has been received directly from Spain, which gives additional force to the impressions entertained in relation to Colonel Jesup's Communications. The improbability of the information given by that Officer, will not, in the opinion of the President, justify any arrangement which is calculated to produce public excitement.

A judicious disposition of the Force under your command, with a view to meet an event of that nature, is all that is considered necessary at the present moment, except, the transportation of the arms and munitions of war to the menaced point of attack, which such a measure renders indispensable.

These dispositions you will carry into execution agreeably to the Instructions contained in my Letter of the 27th ultimo, with such mo-

difications, as the actual state of the Posts, and a true regard to the public interest may require.

I have the honor to be, &c.

Major-General Andrew Jackson.

WM. H. CRAWFORD.

(15.)—*The Secretary of War to General Jackson.*

(Extract.)

27th September, 1816.

THE destruction of the Negro Fort, at the junction of the Appalachicola and Flint Rivers, may have removed the necessity of keeping up so large a Force in that quarter. It must, however, be admitted that every means of exciting those Indians to hostility will be resorted to in the event of a Spanish War. But even in that event, it is questionable whether we should keep so large a portion of our active Force, pent up in a Fort acting on the defensive, when, in fact, there is nothing worth defending. The Militia of Georgia would be competent to the chastisement of the hostile Indians in that quarter. If the danger becomes more threatening, all the Posts in the interior of the Indian Country, may be occupied by the Militia of that State and Tennessee, so as to admit of the assemblage of the whole regular Force, at the point immediately menaced. Your knowledge of the situation of the Posts within your Command, will enable you to adopt the necessary measures to secure the object presented in this Communication.

In withdrawing Forces from Posts now occupied, you will keep in view the preservation of the Military Stores which may have been deposited in them, which can only be done by transporting them with the Troops, or by leaving a sufficient number of them for their protection, until the Post can be manned by the Militia, or Troops brought from the Northern Division.

Major-General Jackson.

WM. H. CRAWFORD.

(16.)—*Major Muhlenburg to Colonel Arbuckle.*

Near the Ochesee Town, on the Appalachicola River,

SIR,

16th December, 1817.

ON Monday morning the Transports were attacked by the Indians from both sides of the river, with a heavy fire of small arms; we returned their fire; the firing has continued ever since. We have lost 2 killed, and 13 wounded, most of them severely; whether we have injured them any, I am unable to say. We are now compelled to remain here, as it is impossible for us to carry out a warp, as a man cannot show himself above the bulwark, without being fired on. I can assure you that our present situation is not the most pleasant, not knowing how soon, or whether, we are to receive succor from above.

The wounded are in but a bad situation, owing to the Vessels being much crowded, and it is impossible to make them any ways comfortable on board. Not having any other means to communicate to you,

I am compelled to despatch the Keel Boat under the command of Captain Clinch, with instructions to make the best of his way to Fort Scott.

I hope to hear from you soon, with Instructions how I am to proceed in my present situation.

With respect, &c.

Lieutenant-Colonel Arbuckle.

P. MUHLENBURG.

P. S.—We have but a few days provision on hand—the men have been on half allowance for some time.

(17.)—*Colonel Arbuckle to General Gaines.*

SIR,

Fort Scott, 21st December, 1817.

SINCE closing my Letter, the Keel Boat arrived from the Vessels below, with some wounded. Major Muhlenburg states it is impossible for the Vessels to get up, the shore being lined on both sides of the River with Indians and Negroes, who keep up a constant fire on them. He has determined, if the Boat does not return to him this evening, to drop down, and try to get to the Bay. The Boat will leave this, under the command of Major Twiggs, at 12 o'clock to-day, and will reach them by sun down, provided it is not interrupted in its descent.

I shall endeavor to keep up an intercourse with them (by means of the Keel Boat) until we can get the ammunition from on board; and, in the last extremity, they will be compelled to drop down to the Bay, in doing which, I am apprehensive they will suffer severely. You have, herewith, a Copy of Brevet Major Muhlenburg's Letter of the 19th inst. He appears dissatisfied that more has not been done for his relief; in this, nothing shall be omitted that the Force here can effect. Should I attempt to march against the Enemy with all the Force here, with the intention of removing him from the River, I am confident I should not succeed, and, at best, would sustain a considerable loss. Men and means of every description are greatly wanting here; and should any misfortune happen to the Vessels, we have not half a supply of ammunition, and not a single stand of spare arms. I have not heard a word of you since your departure.

I am, &c.

Major-General E. P. Gaines.

M. ARBUCKLE.

(18.)—*General Jackson to Colonel Arbuckle.*

SIR,

Head-Quarters, Nashville, 20th January, 1818.

I HAVE received your Letter of the 18th ultimo, and have to regret the situation in which you are unfortunately placed. Every effort will be made, however, to relieve you. I shall leave this Place for Fort Hawkins on the 22d, and 2 Regiments of Mounted Volunteers will

rendezvous at Fayetteville, Tennessee, on the 31st instant, and proceed, by forced marches, direct to our Southern Frontier.

The Commanding Officer of the Georgia Militia has instructions, this day, not to invite a general engagement with the Indians, but, at all hazards, to aid you in relieving Major Muhlenburg.

Lieutenant-Colonel Arbuckle.

ANDREW JACKSON.

(19.)—*Major Muhlenburg to Colonel Arbuckle.*

SIR,

New Ocheese Town, 19th December, 1817.

YOURS, by Captain Blackstone, was received at 12 o'clock, this morning, and I was in hopes that you would have been able to afford some relief to the command, as our situation demanded that something should have been done immediately. That we are not able to progress, is evident, as we have the Enemy on both sides of the River; and, therefore, impracticable to carry out a warp. Had we not heard from you by the Keel Boat, this morning, it was decided that we should have attempted to return to the Bay this evening. I shall now despatch the Keel Boat, under the command of Lieutenant Gray, and try to retain our present position until the night of the 21st.

In case we should not hear from you, or be reinforced by land, we shall make the attempt to reach the Bay. For further particulars I refer you to Lieutenant Gray.

With respect, &c.

Lieutenant-Colonel Arbuckle.

P. MUHLENBURG.

(20.)—*General Jackson to General Gaines.*

(Extract.)

Head-Quarters, Nashville, 17th August, 1818.

I AM happy to find that the notorious Mecodicoxy is at length destroyed. The distresses of the Indians for provisions, I expected: your providing for their wants, meets my entire approbation. It will meet the full approbation of the Government; as it corresponds with their usual humanity,—always extended to the suffering Indian.

I have noted with attention Major Twiggs' Letter, marked No. 5. I contemplated that the agents of Spain, or the Officers of Fort St. Augustine, would excite the Indians to hostility and furnish them with the means. It will be necessary to obtain evidence substantiating this fact, and that the hostile Indians have been fed and furnished from the Garrison of Fort St. Augustine; this being obtained, should you deem your Force sufficient, you will proceed, take, and garrison, with American Troops, Fort St. Augustine, and hold the Garrison prisoners, until you hear from the President of The United States, or transport them to Cuba, as in your judgment, under existing circumstances, you may think best.

Let it be remembered, that the proceedings heretofore carried on by me, or this Order, is not on the ground that we are at War with Spain;

it is on the ground of self-defence, bottomed on the broad basis of the Law of Nature and of Nations, and justified by giving peace and security to our Frontier; hence, the necessity of procuring evidence of the fact of the Agents or Officers of Spain having excited the Indians to continue the War against us, and that they have furnished them with the means of carrying on the War; this evidence being obtained, you will (if your Force is sufficient) permit nothing to prevent you from reducing Fort St. Augustine, except a positive Order from the War Department.

Orders, some time since, have been given to the Officers of the Ordnance, commanding at Charleston, to have in readiness a complete Battering Train, the number and calibre of the guns pointed out; I have no doubt but that you will find them in readiness. I enclose you the Report of Captain Henley, of the Naval Force on that Station; you will open a Correspondence with Commandant A. J. Dallas, to ensure his co-operation, provided it should be required.

I trust before this reaches you, you will have destroyed the Settlement collected at Suwanee. This can easily be done by a coup-de-main, provided secrecy of your movement be observed, and great expedition of march used: without expedition of movement, and great secrecy is observed, you will be discovered, and the Enemy will either flee, or endeavor to ambuscade you; both of which ought to be guarded against.

Have a careful eye to your supplies on hand, that before they are consumed others may be ordered, and reach you: without necessary supplies, an Army cannot operate with effect. The late scarcity ought to teach us a lesson on this head never to be forgotten; I shall therefore expect, that no scarcity will exist at any Place, Post, or Garrison, entrusted to your care.

I shall expect to hear from you shortly, and that you and your Brigade may be successful in all your operations, and cover itself with glory, is my heartfelt wish; and, with this feeling, I am, &c.

Brevet Major-General Gaines.

ANDREW JACKSON.

(21.)—*The Secretary of War to the Chairman of the Committee of Ways and Means.*

(Extract.)

13th April, 1818.

THE Estimate formerly transmitted, for the expense of calling out the Militia, during the present Year, was made for Infantry; but, as upwards of 1200 men of the present Militia Force in the field, are Mounted Volunteers, an additional Sum of 90,000 dollars will be necessary to meet the increased expense.

The Hon. W. Lowndes.

J. C. CALHOUN.

(22.)—*Colonel Hayne to Brigadier-General Parker.*

South Side of the Tennessee River, 13th February, 1818.

SIR,

Head-Quarters, Tennessee Volunteers.

I HAVE the honor to transmit you the Muster-Rolls of the Volunteer Mounted Gun-men, of West Tennessee; also, a consolidated morning Report of the Brigade. I have had much trouble in procuring these Returns. I have the honor to be, &c.

Brigadier-General D. Parker.

A. P. HAYNE.

(23.)—*The Secretary of War to Colonel Hayne.*

SIR,

Department of War, Washington, 7th March, 1818.

I HAVE had the honor to receive your Letter of the 9th, and 3 of the 15th inst. I have the pleasure of expressing to you, my entire approbation of all the measures you have adopted to ensure a prompt movement of the patriotic Volunteers confided to your command.

It is a subject of regret, that there is no public Arsenal in that section of the Country, from which arms and equipments could be drawn. The course which you have taken to remedy the evil, I trust, will be effectual. So far as it may be practicable, let the arms be preserved and returned, after the campaign closes, to the owners. Where this cannot be done, let the account, properly vouched, be paid by the Quartermaster's Department.

The Bills drawn on account of supplies of every kind will be paid, when presented to this Department. Upwards of 100,000 dollars have been forwarded to the Paymasters of the 4th and 7th Regiments, for the payment of the Militia, before they are discharged. General Jackson will adopt such measures as will be proper to secure this object. The desire of the President, that the disbursing Officers of the regular Forces should be charged with the expenditures of the Campaign, is the only obstacle to appointing the gentlemen recommended by the Officers of the Tennessee Brigade. Every attention will be given to secure the object of their wishes.

I am well aware of the difficulties to be overcome, to organize efficiently, and satisfactorily to the Officers and Men, a Volunteer Corps for the field. In the present instance, the pride and spirit of Veterans, aided by patriotism, and directed by superior intelligence, have handsomely surmounted every obstacle. The alacrity with which the brave Tennesseans have again resumed their arms in defence of their Country, is a sufficient earnest that their efforts will be successful, and that their efficiency, joined with the gallant exertions of other Corps, will speedily terminate the conflict.

I have the honor to be, &c.

Colonel A. P. Hayne.

J. C. CALHOUN.

(24.)—*Affidavits of Captain Call and J. C. Bronaugh.*

I, RICHARD K. CALL, Captain of The United States' Army, and Aid-de-camp to Major-General Jackson, do swear, that, some time during the last Session of Congress, I was summoned to appear before a Committee of the Senate of The United States, to give evidence in relation to the occurrences of the Seminole campaign; that, after giving the Statement, which appeared as one of the Documents accompanying the Report of the Committee, (which Statement was taken in writing by one of its members,) I was told by Mr. Lacock, Chairman of the Committee, that my testimony could not then be copied, in order to receive my signature, but that by the next morning at 10 o'clock it should be prepared; at which time, I should have an opportunity of comparing it with the original, and of correcting any mistake which might arise in its being transcribed. I accordingly repaired, on the day appointed, to the Senate Chamber, and was informed by Mr. Lacock, Chairman, that the Committee would not meet that day, and that my testimony was not yet copied. I again mentioned to him, that, from the number of mutilations and erasures which had been made in recording my evidence, if it was copied, I should expect the right of seeing it before it should be given to the public. He replied, that he did not know that the Committee would make any use whatever of my deposition, but if they should ultimately determine to introduce it as a Document on which a Report would be framed, it should be previously copied, submitted to my inspection, and receive my signature; none of which promises were complied with. After my interview with Mr. Lacock, I remained in Washington 5 or 6 days, to the best of my recollection, during which time, I heard nothing from Mr. Lacock or my Deposition; neither did I learn that my Statement had been applied to any purpose, until my return from Philadelphia to Baltimore, at which place I saw it attached to the Report of the Committee.

My Deposition, however, though published without my having an opportunity of correcting errors which might arise in transcribing it, and in direct violation of Mr. Lacock's promise, is, according to my recollection, correct, with a trivial exception. It is, however, not without error; and this error will be found in the omission of the expression, *I believe*. When interrogated by the Committee, in relation to the purpose for which Lieutenant Sands had been ordered to Mobile, my answer was, *I believe* he was ordered there for artillery, and not positive to the fact. I moreover observed to the Committee, that I did not, at that time, belong to the personal Staff of General Jackson; my duties were remote from his person; and, therefore, I was little acquainted with the views and opinions of the Commanding General.

R. K. CALL.

Nashville, 29th July, 1819.

I, JAMES C. BRONAUGH, of The United States' Army, and attached to the Staff of Major-General Andrew Jackson, do swear, that, during the last winter, whilst at the City of Washington, I was summoned to appear before the Committee of the Senate, in pursuance of their Resolution of the 18th December last, "that the Message of the President and Documents relative to the Seminole War be referred to a select Committee; who shall have authority, if necessary, to send for Persons and Papers; that said Committee inquire relative to the advance of The United States' Troops into West Florida; whether the Officers in command at Pensacola and St. Marks were amenable to and under the control of Spain; and particularly what circumstances existed to authorize or justify the Commanding-General in taking possession of those Posts." That, when I appeared before said Committee, I was questioned upon the subjects contained in my Deposition, which is published in the Documents accompanying their Report of the 24th February, 1819; that the substance of my answers was taken down by Major John H. Eaton, a Member of the Committee; and that it was expressly declared to me by John Forsyth, another Member, "that, if my testimony was used by the Committee, I should have timely information, for the purpose of affording me an opportunity of correcting it." That this promise made me by Mr. Forsyth was violated; and that I never saw the Deposition afterwards, until it was published in the Documents accompanying the Report.

JAMES C. BRONAUGH.

(25.)—*Affidavit of Robert Butler, Adjutant-General.*

ROBERT BUTLER, Adjutant-General of the Southern Division of the Army of The United States, being duly sworn, testifies:

That, in the summer or fall of 1817, Mr. John Donelson, of the neighborhood of Nashville, went to Pensacola, and purchased lots of land there, with the approbation of the Governor; that the Deponent had heard that Mr. James Jackson, of Nashville, was concerned with him, and was the only Person concerned; he also understood that Donelson's first view, in going to Pensacola, was for the benefit of his health; that Mr. Donelson is nephew of General Jackson's wife; that he does not know the amount of Donelson's purchase; that he does not know, nor does he believe, that General Jackson had, or expected to have, any interest in said purchase, nor did he hear it ever suggested. The Deponent further saith, that, on the 11th January, 1818, General Jackson addressed a Circular to the old Volunteer Officers to raise Volunteers for the Seminole campaign, in which the following Clause is found: "The grade of the Officers to be determined by themselves, or the Platoon Officers of the Regiment. The Officers raising Companies to command." The Deponent has heard that an

election was held, and the rank of the Field Officers established in that way, and not appointed by General Jackson, as stated in the Deponent's Affidavit before the Committee of the Senate as positive, when the Deponent then stated it as matter of opinion only; also, that the Governor of Tennessee was at Nashville, which, it appears from reference to Papers, was not the case. The Deponent further states, that General Jackson received information at St. Marks, on his return from Suwanny, that there were about 600 hostile Indians at Pensacola, who received ammunition and provisions from the Governor; in consequence of which the General ordered Lieutenant Sands, of the Artillery, to Mobile, to hold 2 pieces of the field artillery in readiness for his Orders. On the arrival of the Army at Fort Gadsden, the General received information of several murders having been committed on the Federal Road; and was shewn a Letter, said to be private, from a gentleman at Pensacola, to Mr. Doyle, as the Deponent believes, stating that a large number of Indians were in Pensacola, and depredating on the property of the Citizens. This information determined the General to change his route for Tennessee by Pensacola; and orders were given to Colonel Gibson to proceed to Mobile, and afford Lieutenant Sands every facility in moving the Artillery to Fort Montgomery, to await the General's Order, which was given, on nearing the Escambia, by express, requiring the Artillery to form a junction with the Army, after crossing that River; which was executed. The General remarked to the Deponent, on march to Pensacola, that, if he found the information true, on reaching that place, he would demand a surrender of it; and the Deponent believes, that the determination of the General, to occupy Pensacola and Barrancas, was made on receiving the Protest of the Governor, and learning that his provisions were stopped by him at the former place; that, at the time his Army attacked Mickasuky, there were not more than 500 Indian Warriors embodied, nor does the Deponent believe there were, at any time, during the War, more than 5 or 600 embodied at any one place; that, from the nature of the subject, the Statement must be conjectural; that the Enemy's Warriors were, in general, well armed; that Deponent was told there were about 1,300 souls at Suwanny, of which 250 or 300 were fighting men; that our Army had 1 man killed and 4 wounded, in actions with the Indians during the campaign, and 2 killed at Barrancas.

Deponent further says, that General Jackson received, from a private source, a plan of the Fortress of St. Augustine; and as the Deponent believes, it was sent to the General at St. Marks or Fort Gadsden, after his return from Suwanny. That General Jackson had, under his command, in Florida, from recollection, about 1,800 Regulars, Volunteers, and Militia, and about 1,500 Indians, under M'Intosh; and that the Indians were received and mustered into the service of

The United States, under the orders of Brevet Major-General Gaines, and mustered out of service under the orders of Major-General Jackson, by a regular Officer.

This Deponent deems it due to himself to state, that the Deposition published with the Report of the Committee of the Senate under his name, was not written by him, but was taken down by Mr. Burrill, of that Committee; and a promise given to the Deponent, that when it was thrown into form, it would be submitted for correction and signature; which was not done, although the Committee were twice informed by one of its Members, at the request of this Deponent, that *parts* thereof were *not correct*; hence, the Deponent was not able to give the necessary correction, which he would have done from an examination of Papers and necessary reflection.

ROBERT BUTLER.

(26.)—*Affidavit of Colonel Gibson.*

Washington, 3d March, 1819.

ON examination before a Special Committee of the Senate, on the subject of the Seminole War, I was told by the Honorable Mr. Burrill, one of the Committee, that what he (Mr. Burrill) then took down of my testimony, was a memorandum; and if used, that my deposition should be written out, and submitted to me for correction. The deposition was not submitted, but was sent at once to the Printer, who, believing that several words were omitted, sent it to me for revisal; I then waited on 2 of the Committee, Mr. Lacock, and Mr. Burrill, and obtained leave to strike out a part, but they would not permit me to make any additions. The parts struck out were not material; what I wished to add was the substance of an Order, the following Extract from which I beg leave to make a part of this Deposition:

Adjutant General Butler to Colonel Gibson.

(Extract.) *Camp, 26 miles East of St. Marks, 24th April, 1818.*

"GENERAL MC INTOSH and his Warriors will be at Fort Scott, and will probably take much of the supplies ordered up, and as the Tennessee Volunteers will pass from Gadsden to that point, he wishes you to dispatch a Boat with a further supply; and should the corn have arrived from New Orleans, last ordered, you will forward a considerable quantity also, to enable the Volunteers' horses to reach Fort Hawkins."

"The Order from which this Extract is made, together with the Order from which the following is extracted, were given to Mr. Eaton to be submitted to the Committee. I beg leave also to make the second Extract a part of this Deposition, to wit:

[1819—20.]

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General Jackson to Colonel Gibson.

(Extract.)

St. Marks, 9th April, 1818.

"THIS is carried by one of those deluded wretches who have asked for Peace, and it is granted them; 17 men, 18 women, and 30 children have surrendered; and they ask permission to pass by water to Fort Gadsden, this is granted them; and they will remain here until the runner returns, by whom you will write to the Commanding Officer of St. Marks, Captain Vashon, under what badge you will know them."

GEORGE GIBSON.

(27.)—Richard I. Easter to General Jackson.

SIR,

Nashville, 21st April, 1819.

IN a conversation with Mr. Forsyth, on the subject of the Report of the Committee of the Senate, I stated, that the Committee had misstated several facts in relation to the occurrences of the Seminole War. "First: That the Governor of Tennessee was in Nashville when you received your Instructions to call for a portion of the Militia of the State, and that you neglected to make any requisition upon him for the number for which you were authorized to call; informing him, that he was not then in Nashville, and that you had written him immediately on receiving your Instructions. I further told him, that you were prepared to prove, that you had not appointed the Officers to their respective Commands, as alledged by the Committee:" to all which Mr. Forsyth replied, that it was much to be regretted that, in an investigation so important to the Country and the character of the Individual, evidence so closely connected with the matter in consideration, had not been earlier before the Committee.

I am, &c.

Major General Jackson.

RICHARD I. EASTER.

(28.)—Richard G. Dunlap to General Jackson.

SIR,

Dunlapville, Tennessee, 30th March, 1819.

ON the 22d day of February, 1818, Governor M'Minn came to Kingston. Immediately on his arrival, I informed him of my intention to raise a Volunteer Company to join your Army on its march to Fort Scott. The Governor went to John Laya's Tavern, and made a public and animated appeal to the patriotism of the People of Kingston and its vicinity; and assured all those who would go with me, or go from any part of the State, that they went with his warmest wishes; as he felt anxious to facilitate every movement of the Volunteers, at so important a crisis. Governor M'Minn pledged his faith

and reputation, as Governor of the State of Tennessee, to those who went with me, that remuneration should be made for their services.

I am, &c.

Major General Jackson.

RICHARD G. DUNLAP.

(29.)—*General Jackson to Governor M^r Minn.*

SIR,

Head Quarters, Nashville, 11th January, 1818.

I HAVE just received orders from the President of The United States, to repair to Fort Scott, Georgia, with Instructions to call on the Governors of the neighbouring States for such additional Militia Force as may be deemed necessary to co-operate with the disposable regular Troops of the Southern Division against the Seminoles.

I have this night addressed Circulars to several of those brave Officers who served with me during the Creek Campaign, under a hope that a timely address to the patriotism of our Citizens will enable me to effect by voluntary enlistment what would otherwise have to be done by drafts.

I have called for 1,000 mounted men, and should the appeal prove inefficacious, will embrace the earliest opportunity of making a requisition on you for a like number of drafted Militia.

I have received your Letter of the 4th instant, and am happy to hear of the Ratification of the Treaty with the Cherokee Indians.

Respectfully yours, &c.

H. E. Governor M^r Minn.

ANDREW JACKSON.

(30.)—*Circular of General Jackson.*

Head Quarters, Division of the South,

SIR,

Nashville, 11th January, 1818.

THE Seminole Indians have raised the war hatchet. They have stained our Land with the blood of our Citizens: their war spirit must be put down, and they taught to know that their safety depends upon the friendship and protection of The United States. To accomplish this, the aid of one Regiment of mounted-gun men, of 1,000 strong, completely armed and equipped, and to serve during the Campaign, is asked from West Tennessee: Can you raise them, and be ready for the field in 10 days? If you can, your General, who led you to victory on the Plains of Talledega, Emuckfau, and Tahopk, asks you to accompany him to the heart of the Seminole Towns, and there aid in giving peace and safety to the Southern Frontier. An Answer is expected in 5 days, and it is anticipated that the number required is now ready. This is a private appeal to the patriotism of West Tennessee, and is not to appear in a Newspaper. If the Regiment is raised and marched, all Expenses for Expresses shall be paid. By the return of the Express you are expected to give your opinion of the probability of the result; that preparations may be made accordingly.

Colonel R. H. Dyer, Colonel Gibson, Colonel Williamson, Colonel George Elliott, Major William Mitchell, Major John Smith of Montgomery County, Colonel Martin of Williamson, and Captain F. Ellis of Dixon County, have alone been addressed on this subject. The grade of the Officers to be determined by themselves or the Platoon Officers of the Regiment. The Officers raising Companies to command them. Upon further reflection, it is requested that those Officers named above, and all such as can raise a Company, will meet me at this Place on the 19th of the present month. Punctuality in this is much desired; and it is further requested that all those Officers who have served in the late War, will be confidentially notified of the foregoing.

I have the honor to be, &c.

ANDREW JACKSON.

(31.)—*General Jackson to Governor M^cMinn.*

SIR,

Nashville, 19th January, 1818.

IN my last I informed you of the late Order received from the President of The United States, and of the appeal I had made to the patriotism of West Tennessee. This day the Officers who heretofore commanded the Volunteers, met me, and report, that 2 Regiments of mounted-gun men will rendezvous on the 31st inst. at Fayetteville, prepared and equipped for a tour of 6 months. Thus you see, that my best hopes of Tennessee are realized. Had circumstances permitted and time allowed, and the emergency demanded an appeal to the whole State, I have no doubt but 5,000 men could have been raised. There appears no difficulty, but the want of arms. With those 2 Regiments, and the regulars, should the time of the Georgia Troops have expired, I will be able to act promptly, and I hope with effect.

The last account from Fort Scott, on the 19th ult. left the regular force in an unpleasant situation. I set out on the 22d in the morning.

I have the honor to be, &c.

His Excellency Governor M^cMinn.

ANDREW JACKSON.

(32.)—*Act of the Legislature of Tennessee, 1815.*

[Ch. cxviii. Sec. 112.]

Be it Enacted, That, when it may be conceived that the public good eminently requires it, the Governor is hereby authorised to call out such parts of the Cavalry of this State as he thinks proper; and when so called out, they shall be considered, ruled, and regulated, as mounted-gun men, for the time he may so order them.

(33.)—*Governor M^cMinn to General Jackson.*

(Extract.)

20th June, 1818.

I AM happy to hear of your return, as also of those brave men who volunteered their services with you.

I have never heard from you since you left the Look-out Mountain, but hope, from what I have learned from others, that you have silenced the disturbers of our peace. I am prodigiously pleased to hear of your leaving the Post of St. Marks and Pensacola in possession of the Americans, out of which, I trust in God, they will never be taken.

Major-General Jackson.

JOSEPH M'MINN.

(34.)—*The Governor of Tennessee to General Jackson.*

(Extract.)

Murfreesborough, 6th April, 1818.

YOUR favor of the 3d instant is now before me, and with pleasure I make the following reply :

Your Letter, dated Nashville, 11th January, 1818, reached me at Knoxville, seat of Government.

Your Letters of the 11th and 19th of January both reached me by due course of Mail ; the former advising of your having received instructions from the President of The United States to call on the Governors of the neighboring States for such Militia Force as you might deem necessary, to co-operate with the regular Troops of the southern division, against the Seminole Indians; but that you had made an appeal to the Officers who had served with you in the Creek Campaign, by which you expected that the necessity of calling on the State of Tennessee, for 1,000 drafted men, would be superseded ; which expectation must have been realized, by the advice contained in your Letter of the 19th, above referred to ; in which you state that the Officers have given you assurances that they would furnish 2 Regiments, at the earliest notice. Your mode of raising those Troops *met my entire approbation* ; and I gave it my support in aiding Captain Dunlap in raising a company of mounted Volunteers, at South West Point, which, I have since learned, joined your Army at Fort Gadsden.

Major-General Jackson.

JOSEPH M'MINN.

(35.)—*General Jackson to the Secretary of War.*

(Extract.)

Head Quarters, Nashville, 20th January, 1818.

IN a Communication to you of the 12th inst. I acknowledged the receipt of your Order of the 26th ult. and advised you of the appeal I had made to the patriotism of West Tennessee. On yesterday, the Officers who had so gallantly headed the Tennessee mounted Volunteers, during the Creek Campaigns, met at this place, and gave every assurance of their ability to assemble 2 Regiments of mounted-gun men, by the 31st inst. at any designated point within the western part of this State. I have ordered them to rendezvous at Fayetteville, and as many as may appear on the 31st inst. or the 1st of February, to be mustered and received into the service for 6 months (if not sooner discharged) by my Inspector-General. The Contractor has instructions to issue to the Troops 20 days' rations, and every measure has been adopted to facilitate their march, viâ Fort Jackson, by the most direct practicable

route, to Fort Scott. These Troops will be well supplied, as far as Fort Jackson, and there the necessary provisions may be obtained, and packed to answer their immediate wants, until they are intercepted by supplies from below. Major Fanning has been despatched to Fort Hawkins, to purchase and forward on their supplies to the most convenient point of interception. I have advanced to him 2,000 dollars, with authority to draw on the Quartermaster-General for any additional sum; and imposed on him the temporary duties of Deputy Quartermaster-General.

I am compelled to this arrangement from an impression that there can be no Officer of the Quartermaster's Department in the vicinity of Fort Hawkins; and Colonel Gibson could not possibly reach that neighborhood in time to effect the object desired. My Inspector-General, Colonel Hayne, (no Brigadier-General having volunteered his services,) is charged with conducting the march of the 2 Regiments of Tennessee Volunteers, to the Southern Frontier. From the contents of Colonel Arbuckle's and Major Muhlenburg's Letters, (Copies of which are herewith inclosed,) you will readily perceive, that the former must remain inactive; and that the latter is in a dangerous situation. Every information justifies the decisive measures I have taken, and urges the prompt movement of the Volunteers called into service. I trust you will view the subject in the same light, and that my arrangements may meet with your entire approbation. The Troops now assembled on our Southern Boundary, reinforced by the Tennessee Volunteers called into service, will enable me to inflict speedy and merited chastisement on the deluded Seminoles. I remain here to facilitate every arrangement for the prompt movement of the Tennessee Detachment; but will leave this, on the 22d inst., for Fort Scott and Fort Hawkins. From Colonel Arbuckle's Letter I am advised of the departure of General Gaines from Fort Scott; and the newspapers communicate the information of the Georgia contingency being commanded by a Brigadier-General. As he must consequently be the Commanding Officer of the Forces in the neighborhood of Fort Scott, I have this day directed instructions to him, by no means to precipitate himself into a general engagement with the Seminoles, but, at all hazards, to relieve, if possible, Major Muhlenburg from his present situation, and cover his ascent up the Appalachicola River.

I have further advised him of my movements; and directed that he should remain on the defensive, collect all the necessary supplies, and have every preparation made for an active campaign, as soon as reinforced by the Tennesseans.

General Gaines has been notified of this Order. I have no later advices from him than that of the 2d of December, informing me of the catastrophe of Lieutenant Scott and party.

The Hon. J. C. Calhoun.

ANDREW JACKSON.

(36.)—*The Secretary of War to General Jackson.*

SIR, *Department of War, Washington, 5th February, 1819.*

THE enclosed is a Copy of a Letter from the Chairman of the Committee of the Senate, on the subject of the Seminole War.

Governor Bibb's Letter to you, of the 19th of May last, is all the information now in the possession of this Department, relative to the inquiry of the Committee.

I will thank you to communicate, as early as practicable, whatever information you may possess, on all the points of inquiry, contained in the Letter of the Chairman, and not comprehended in the Letter referred to.

I have, &c.

Major-General Andrew Jackson.

J. C. CALHOUN.

(37.)—*General Jackson to the Secretary of War.*

SIR, *Washington City, 5th February, 1819.*

I HAVE the honor to acknowledge the receipt of your Letter of the present date, enclosing a Communication from the Chairman of the Committee of the Senate, requesting of you a Copy of the Letter addressed by Major White Youngs, to Governor Masott, on the 27th April, 1818. Not having received a Report from Major Youngs, relative to the Correspondence with Governor Masott, or his attack on the hostile Indians, in the vicinity of Pensacola, the only information I possess on the subject is contained in the Letter of Governor Bibb, dated on the 19th of May, 1818, to which I beg leave to refer you.

On my return from Suwannee to St. Marks, I was informed, (through the medium of Mr. Hambly,) by the Captain of a Vessel, direct from Pensacola, that a number of hostile Indians had assembled at that Place. On interrogating the Captain, he reluctantly stated, that, at the time of his sailing, there were in Pensacola 450 or 500 Indians; that they had been fed, and furnished with munitions of war, and were committing depredations on the Persons and Property of the Citizens on the Frontiers of Alabama, and also on the Subjects of Spain. After receiving this information, I informed you, in my Letter, dated at St. Marks, on the 26th of April, that I should leave that Place for Fort Gadsden in 2 or 3 days, and after making all necessary arrangements, for the security of the positions occupied, and detaching a Force to scour the Country west of the Appalachicola, I should proceed direct to Nashville. I then ordered Captain Sands to Mobile, to prepare and hold in readiness a train of Artillery, should circumstances, arising out of the facts disclosed, render its use in the field necessary. On this occasion, as on all others, I thought it my duty to prepare fully to execute my orders, in putting an end to the conflict.

On my arrival at Fort Gadsden, (2d May, 1818,) my Quartermaster General, Colonel George Gibson, (who was charged with the de-

fence of that Post,) handed several Letters brought from Fort Montgomery, by Major Hogan, from respectable Citizens, confirming the Report made by the Captain of the Schooner while at St. Marks; and detailing the murder of 18 of our Citizens on the Sepulgas, and the destruction of a family near Fort Claiborne. Major Hogan also confirmed this information, and added, that the Citizens of Montgomery were fortifying themselves. Similar information was received from 2 Gentlemen who arrived in a Vessel laden with Sutler's Stores, for the Troops at Fort Gadsden, but whose names are not now recollected; and by the Captains of the Sloop *Hector* and Barge *Peacock*, direct from Mobile. In addition to the foregoing, I was shewn a Letter (confidentially written,) from a Person of high respectability in Pensacola, detailing the facts, as stated by the Captain of the Schooner, at St. Marks. This information, corroborated by so many Persons, determined me to go in person towards Pensacola; and I ordered Colonel Gibson forthwith to Mobile, with Instructions to give every facility to Captain Sands, in having the Artillery secretly removed to Fort Montgomery, there to await my orders, and immediately organized a Force sufficient for the execution of my orders, under date of the 26th of December, 1817.

After crossing the Chocktawhatchy, I despatched an Indian Guide with a Soldier, express to Fort Crawford, with Orders to Colonel Gibson and Captain Sands, at Fort Montgomery, to move on the Artillery and form a junction with me after I crossed the Escambia River, which Order was promptly executed. On my reaching the Escambia, I was met by Captain Boyle's Express, from Governor Bibb, with the Letter of the 19th of May, above-mentioned; and, on reaching the west bank, received information that Holmes and his Warriors were then in Pensacola, for which place I immediately marched. Should you wish information on any other points growing out of my military operations during that Campaign, it will afford me much pleasure to give it to you.

I am, Sir, respectfully, &c.

The Hon. J. C. Calhoun.

ANDREW JACKSON.

(38.)—*Affidavit of Inspector General Hayne.*

ARTHUR P. HAYNE, Inspector General, Southern Division of the Army of The United States, and late Commandant of the Tennessee Volunteers, being duly sworn, testifies, that, in the month of January, 1818, Major General Andrew Jackson, of The United States' Army, addressed Circular Letters to Colonels Dyer, Williamson, Elliot, Mitchell, Philips, and others; and stated to them, that the South Western Frontier was in danger, and that he had determined to make an appeal to the patriotism of the People of West Tennessee; that it was his wish to raise 2 Regiments for that object. And Deponent further testifies, that, on the arrival of the said Field Officers at Nashville,

they, the said Field Officers, settled among themselves their own rank : And the Deponent further declares, that the said Field Officers were not, in any way or manner, either directly or indirectly, mediately or immediately, controlled, governed, or influenced, by the said Major-General A. Jackson: And the Deponent further testifies, that the Field Officers determined, at their first meeting at Nashville, that Individuals, who first succeeded in bringing to the Rendezvous full Companies, should rank as Captains and command their own men ; and that the same principle should govern the election of Subalterns. And the Deponent further testifies, that he never received any authority from Major-General Andrew Jackson, nor was he concerned himself, in any way, or manner whatever, either directly or indirectly, mediately or immediately, in any of the appointments of the Officers of the Tennessee Brigade, with the exception of those of his immediate Staff, a privilege allowed to all Commanding Officers, either in Regular or Militia Service. The Deponent further testifies, that the Muster Rolls of the Tennessee Brigade were forwarded on to the Adjutant and Inspector General's Office at Washington City, on the 13th February, 1818, from Ditto's Landing, on the Tennessee River ; that the said Rolls reached Washington in safety, and in the ordinary course of Mail.

A. P. HAYNE.

(39.)—*Colonel Dyer to General Jackson.*

DEAR GENERAL, *Elm Grove, 21st May, 1819.*

I HAVE just returned home from the Western District, and have recently seen the Report of the Senate of The United States, relative to the Seminole War ; wherein I find you charged by a Committee of that honorable Body, of organizing and appointing the Officers to take the command of the Volunteers from this State, engaged in that War. Certainly that Committee could not have received the proper information respecting this particular subject ; and believing that you, Sir, have a wish that the facts should be stated in all questions wherein you are concerned, I have thought proper to make the following Statement, which every Field Officer belonging to the 2 Regiments, I have no doubt, will recollect to be facts.

In the month of January, 1818, you made an appeal to a number of those Officers who had accompanied you in the Creek War, and to Mobile, Pensacola, and New Orleans, and named to them that there was 1,000 men wanting, and that volunteer mounted men would be received ; and requested that those Officers would meet at Nashville, on the 19th January, 1818, at which time and place a number of Officers met. After assuring you that the men could be raised with ease, it was proposed by myself and some other Officers then present, for you to name the Officers to command those Troops ; this you refused,

and said, agree among yourselves on your Officers, and then stated to Officers present, that you would appoint Colonel A. P. Hayne to lead us on to Fort Scott, and on our arrival at that point you would then take the command yourself. We then left you and withdrew to a room, where it was agreed that I should take the command of the first Regiment, and Colonel Thomas Williamson should take the command of the second Regiment, and that we should officer and organize them in the same way that the volunteer mounted-gun men were organized in 1814, when we marched to Mobile, Pensacola, and New Orleans; the other Field Officers were then agreed on, and our names reported to you, in writing, who would command the 2 Regiments. You then named to the Officers, the Law regulating the Peace Establishment, and how the Regiments were officered under that Law. It was then named to you by myself, together with several other Officers, that by experience we had found that horsemen required more Officers than footmen, on account of horsemen covering a much larger space; you then said, organize yourselves in a way that you may think proper; it will rest with the Government. A number of those Officers you made the appeal to were commissioned by James Madison, Esq. then President of The United States, in 1812; and a part of them, under all privations, stuck to the service with you without a murmur, during the War with Great Britain, and the hostile Creek Indians.

I am, &c.

Major-General Jackson.

R. H. DYER.

(40.)—*Captain Bunch to General Jackson.*

SIR,

Murfreesborough, 23d September, 1819.

IN answer to your Note of this date, just received, I have to reply, that I was of the Volunteer Corps raised in East Tennessee, in the latter part of the year 1812, by Colonel John Williams, and marched into East Florida, in the same year, or in January in the year 1813, as well as I recollect. I was an Officer in said Corps, and held a Commission, signed by Colonel John Williams.

This Volunteer Corps was raised under the influence of Colonel John Williams, organized by him, and the Officers commissioned by him. We marched into East Florida, had an engagement with the Indians and Negroes. This Campaign was approved by the General Government, and the Officers and Men paid for their services.

I am, respectfully, &c.

Major-General Jackson.

SAMUEL BUNCH.

(41.)—*P. M. Miller to General Jackson.*

MAJOR GENERAL JACKSON,

22d September, 1819

IN answer to the Interrogatories this day proposed by you to me, I answer:—I declare I held no office or appointment whatever under

Colonel John Williams, or any other Person, in the Florida or Seminole Campaign, commonly so called, set on foot and commanded by Colonel John Williams, in 1812.

I was one of the Privates composing that Service, and my services were wholly voluntary. I do not *know* that any Commissions were made out in form for the Officers; but I know that the Officers were selected or named by Colonel John Williams; and I know that those selected by him served in the capacity for which they were selected. I know it because I was consulted on that occasion; the selection having been made, as I believe, with a view, in part, to the feelings and the interest of the Individuals composing the Command. We had an engagement with Indians, and perhaps Negroes; but I do not *know* that there were any Negroes in the engagement. I received my pay from the General Government, and I believe all others did. I know of no authority given by the General Government to raise such Company, nor have I ever understood that there was any; and I believe the same to have been wholly voluntary.

Given under my hand, this 22d of September, 1819.

Major-General Jackson.

P. M. MILLER.

CONVENTION of Peace and Federation between the Provinces of Buenos Ayres, Santa Fé, and Entre Rios. —Signed at Pilar, the 23d of February, 1820.

(Translation.)

CONVENCION hecha y concluida entre los Gobernadores, Don Manuel de Sarratea de la Provincia de Buenos Aires, de la de Santa Fé Don Estanislao Lopez, y el de Entre Rios Don Francisco Ramirez, el dia 23 de Febrero del año del Sr. 1820, con el fin de poner término à la guerra suscitada entre dichas Provincias, de proveer à la seguridad ulterior de ellas, y de concentrar sus fuerzas y recursos en un Gobierno Federal; à cuyo efecto se han convenido en los Articulos siguientes.

ART. I. Protestan las Partes Contratantes: que el voto de la

CONVENTION made and concluded between the Governors, Don Manuel de Sarratea, of the Province of Buenos Ayres, Don Estanislao Lopez, of that of Santa Fé, and Don Francisco Ramirez, of Entre Rios, on the 23d of February, in the Year of our Lord 1820, in order to put an end to the War existing between the said Provinces, to provide for their future security, and to concentrate their strength and resources in a Federal Government; for which purpose, they have agreed upon the following Articles:

ART. I. The Contracting Parties declare, that the wish of the

Nacion, y muy en particular en las Provincias de su mando, respecto al sistema de Gobierno que deba regirlas, se ha pronunciado en favor de la Federacion, que de hecho admiten. Pero que debiendo declararse por Diputados nombrados por la libre eleccion de los Pueblos, se someten á sus deliberaciones. A este fin elegido que sea por cada Provincia popularmente su respectivo Representante, deberán los tres reunirse en el Convento de San Lorenzo de la Provincia de Santa Fé, á los 60 dias, contados desde la Ratificacion de esta Convencion. Y como están persuadidos que todas las Provincias de la Nacion aspiran á la organizacion de un Gobierno Central, se compromete cada una de por sí de dichas Partes Contratantes, á invitarlas y suplicarlas concurren con sus respectivos Diputados, para que acuerden cuanto pudiere convenirles y con venga al bien general.

II. Allanados, como han sido, todos los obstáculos, que entorpecian la amistad y buena armonia entre las Provincias de Buenos Aires, Entre Rios, y Santa Fé, en una Guerra cruel y sangrienta, por la ambicion y criminalidad de unos hombres que habian usurpado el mando de la Nacion, ó burlado las instrucciones de los Pueblos que representaban en Congreso, cesarán las hostilidades, desde hoy retirándose las divisiones beligerantes de Santa Fé y Entre Rios á sus respectivas Provincias.

III. Los Gobiernos de Santa Fé y Entre Rios por sí, y á nombre

Nacion, and particularly of the Provinces under their command, with respect to the system of Government that should rule them, has been expressed in favour of a Federal one, which shall be adopted. But as this ought to be declared by Deputies chosen by the free election of the People, it shall be submitted to their deliberation. For this purpose, each Province having elected to its satisfaction a Representative, the 3 shall meet at the Convent of San Lorenzo, in the Province of Santa Fé, in 60 days, reckoned from the Ratification of this Convention. Being convinced that all the Provinces of the Nation desire the organization of a Central Government, each of the Contracting Parties undertakes to invite and entreat the rest to send their respective Deputies, in order that they may decide on the measures which may be expedient, as well as conducive to the general welfare.

II. All the obstacles which interrupted the friendship and harmony between the Provinces of Buenos Ayres, Entre Rios, and Santa Fé, owing to a cruel and sanguinary War, produced by the ambition and criminality of Men who had usurped the command of the Nation, or disobeyed the Instructions of the People whom they represented in Congress, having been removed, hostilities shall cease from this day, and the Belligerent Divisions of Santa Fé and Entre Rios shall retire to their respective Provinces.

III. The Governments of Santa Fé and Entre Rios, for themselves,

de sus Provincias, recuerdan á la heroica Provincia de Buenos Aires, cuna de la libertad de la Nacion, el estado dificil y peligroso á que se ven reducidos aquellos Pueblos hermanos por la invasion con que los amenaza una Potencia Extrangera, que con respetables fuerzas oprime la Provincia aliada de la Banda Oriental. Dejan á la reflexion de unos Ciudadanos tan interesados en la independendencia y felicidad nacional, el calcular los sacrificios que costará á los de aquellas Provincias atacadas el resistir un Ejército imponente, careciendo de recursos, y aguardan de su generosidad y patriotismo auxilios proporcionados á lo árduo de la empresa, ciertos de alcanzar cuanto quepa en la esfera de lo posible.

IV. En los Rios Uruguay y Paraná navegarán unicamente los Buques de las Provincias amigas cuyas costas sean bañadas por dichos Rios. El comercio continuará en los términos que hasta aqui, reservándose á la decision de los Diputados en Congreso, cualesquiera reformas que sobre el particular solicitasen las Partes Contratantes.

V. Podrán volver á sus respectivas Provincias aquellos individuos que, por diferencia de opiniones políticas hayan pasado á la de Buenos Aires ó de esta á aquellas, aun cuando hayan tomado armas y peleado en contra de sus Compatriotas; serán repuestos al goce de sus propiedades en el estado que se encontraren, y se hechará un velo á todo lo pasado.

and in the name of their Provinces, call the attention of the heroic Province of Buenos Ayres, the cradle of national Liberty, to the difficult and dangerous situation in which their neighbouring Brethren are placed by the menaced invasion of a Foreign Power, which, with a considerable Force, oppresses the allied Province of the Banda Oriental. They submit to the consideration of Citizens, so much interested in the national independence and happiness, the sacrifices it must occasion to the invaded Provinces, deficient as they are in resources, to repel a powerful Army, and they expect from their generosity and patriotism, assistance proportionate to the arduous undertaking, convinced that they will obtain every succour that can possibly be afforded to them.

IV. The Rivers Uruguay and Paraná shall be navigated only by the Vessels of the friendly Provinces whose Borders are watered by them. Commerce shall continue on the same footing as heretofore, reserving for the decision of the Deputies in Congress, any change that the Contracting Parties may desire.

V. Those Persons who, from difference in political opinions, may have removed to Buenos Ayres or *vice versá*, may return to their respective Provinces, even should they have carried arms, or fought against their Brethren; they shall be replaced in the enjoyment of their property in the state in which it may be, and a veil shall be thrown over the past.

VI. El deslinde del Territorio entre las Provincias, se remitirá en caso de dudas á la Resolucion del Congreso General de Diputados:

VII. La deposicion de la antecedente Administracion ha sido la obra de la voluntad general, por la repeticion de crímenes, con que comprometia la libertad de la Nacion, con otros excesos de una magnitud enorme: ella debe responder en juicio público ante el Tribunal que al efecto se nombre: esta medida es muy particularmente del interes de los Gefes del Ejército Federal, que quieren justificarse de los motivos poderosos que les impelieron á declarar la Guerra contra Buenos Aires, en Noviembre del año próximo pasado, y conseguir con la libertad de la Provincia de Buenos Aires, la garantia mas segura de las demas unidas.

VIII. Será libre el comercio de armas y municiones de Guerra de todas clases en las Provincias Federadas.

IX. Los Prisioneros de Guerra de una y otra parte serán puestos en libertad despues de ratificada esta Convencion, para que se restituyan á sus respectivos Ejércitos ó Provincias.

X. Aunque las Partes Contratantes están convencidas de que todos los Artículos arriba expresados son conformes con los sentimientos y deseos del Exmo. Sr. Capitan General de la Banda Oriental, D. José Artigas, segun lo ha expuesto el Sr. Gobernador de Entre Rios, que dice hallarse con Instrucciones privadas de dicho Sr. Exmo. para este caso; no

VI. The Boundaries of the Territory between the Provinces, in case of doubt, shall be referred to the decision of the Deputies in the General Congress.

VII. The removal of the late Administration has been accomplished by the general voice, in consequence of the many crimes by which the national Liberty was compromised, and of other enormities of great magnitude, for which it must answer publicly before a Tribunal to be named for that purpose. This measure is particularly interesting to the Chiefs of the Federal Army, who are desirous of justifying the powerful motives that impelled them, in November last, to declare War against Buenos Ayres, and to obtain, with the liberty of the Province of Buenos Ayres, a sure guarantee for the rest.

VIII. The conveyance of Arms, and warlike Stores, of every description, shall be free in the Federal Provinces.

IX. The Prisoners of War on both sides shall be liberated, so soon as this Convention shall be ratified, in order that they may return to their respective Armies or Provinces.

X. Although the Contracting Parties are convinced that all the preceding Articles are conformable to the sentiments and wishes of His Excellency Don José Artigas, Captain General of the Banda Oriental, agreeably to the statement made by the Governor of Entre Rios, who declares that he has private Instructions from His Excellency to that effect; yet,

teniendo suficientes poderes en forma, se ha acordado remitirle copia de esta Acta para que siendo de su agrado entable desde luego las relaciones que puedan convenir á los intereses de la Provincia de su mando, cuya incorporacion á las demas Federadas se miraria como un dichoso acontecimiento.

XI. A las 48 horas de Ratificados estos Tratados por la Junta de Electores, dará principio á su retirada el Ejército Federal hasta pasar el Arroyo del Medio; pero atendiendo al estado de devastacion á que ha quedado reducida la Provincia de Buenos Aires, por el continuo paso de diferentes tropas, verificará dicha retirada por Divisiones de 200 hombres, para que asi sean mejor atendidas de víveres y cabalgaduras, y para que los vecinos experimenten menos gravámenes. Queriendo que los Sres. Generales no encuentren inconvenientes ni escaseces en su tránsito, para sí ó para sus tropas, el Gobernador de Buenos Aires nombrará un individuo que con este objeto les acompañe hasta la línea divisoria.

XII. En el término de 2 dias, ó antes si fuere posible, será ratificada esta Convencion por la muy honorable Junta de Representantes.

Fecho en la Capilla del Pilar, á 23 de Febrero de 1820.

MANUEL DE SARRATEA.
FRANCISCO RAMIREZ.
ESTANISLAO LOPEZ.

the latter not possessing sufficient formal powers, it has been agreed to transmit to His Excellency a Copy of this Act, in order that, should it meet his approbation, he may immediately adopt the measures essential to the interests of the Province under his command, the incorporation of which with the other Federal Provinces will be looked upon as a happy event.

XI. Within 48 hours after the Ratification of this Convention by the Junta of Electors, the Federal Army shall commence its withdrawal, and pass the Arroyo del Medio; but in consideration of the distressed state to which the Province of Buenos Ayres has been reduced, by the continual passage of different Troops, the said withdrawal shall be effected in Divisions of 200 men each, in order that they may be better supplied with provisions and horses, and be less burthensome to the Inhabitants. The Governor of Buenos Ayres, anxious that the Generals should not experience on their march, either themselves or their Troops, the slightest inconvenience or want of provisions, will commission a Person for that purpose, who will accompany them to the Frontiers.

XII. Within 2 days, or sooner if possible, this Convention shall be ratified by the most honourable the Junta of Representatives.

Done in the Chapel of Pilar, 23d February, 1820.

MANUEL DE SARRATEA.
FRANCISCO RAMIREZ.
ESTANISLAO LOPEZ.

La Junta de Representantes
Electores aprueba y ratifica el
precedente Tratado.

*Buenos Aires á las 2 de la tarde
del 24 de Febrero de 1820.*

TOMAS MANUEL ANCHO-
RENA.

ANTONIO JOSE DE ESCA-
LADA.

MANUEL LUIS DE OLIDEN.

JUAN JOSE CRISTOVAL DE
ANCHORENA.

VICENTE LOPEZ.

VICTORIO GARCIA DE ZU-
NIGA.

SEBASTIAN DE LECICA.

MANUEL OBLIGADO.

The Junta of Electoral Repre-
sentatives approve and ratify the
preceding Treaty.

*Buenos Ayres, 2 p. m. 24th Fe-
bruary, 1820.*

TOMAS MANUEL ANCHO-
RENA.

ANTONIO JOSE DE ESCA-
LADA.

MANUEL LUIS DE OLIDEN.

JUAN JOSE CRISTOVAL DE
ANCHORENA.

VICENTE LOPEZ.

VICTORIO GARCIA DE ZU-
NIGA.

SEBASTIAN DE LECICA.

MANUEL OBLIGADO.

*TREATY between The United States and the Chippewa
Nation of Indians.—Signed at Saganaw, 24th September,
1819.*

JAMES MONROE, *President of the United States of America,*

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME,
GREETING :

WHEREAS a Treaty between the United States of America and
the Chippewa Nation of Indians, was made and concluded on the 24th
day of September, in the Year of our Lord 1819, at Saganaw, in the
Territory of Michigan, by a Commissioner on the part of The United
States, and certain Chiefs and Warriors of the said Nation, on the part
and in behalf of the said Nation; which Treaty is in the words fol-
lowing, to wit:

*Articles of a Treaty made and concluded at Saganaw, in the Territory
of Michigan, between the United States of America and their Com-
missioner, Lewis Cass, and the Chippewa Nation of Indians.*

ART. I. The Chippewa Nation of Indians, in consideration of the
stipulations herein made on the part of The United States, do hereby,
for ever, cede to The United States the land comprehended within the
following lines and boundaries: Beginning at a point in the present

Indian Boundary Line, which runs due north from the mouth of the great Auglaise River, 6 miles south of the place where the base line, so called, intersects the same; thence, west, 60 miles; thence, in a direct line, to the head of Thunder Bay River; thence, down the same, following the courses thereof, to the mouth; thence, northeast, to the Boundary Line between The United States and the British Province of Upper Canada; thence, with the same, to the line established by the Treaty of Detroit, in the Year 1807;* thence, with the said line, to the place of beginning.

II. From the cession aforesaid, the following tracts of land shall be reserved, for the use of the Chippewa Nation of Indians:

One tract, of 8,000 acres, on the east side of the River Au Sable, near where the Indians now live.

One tract, of 2,000 acres, on the River Mesagwisk.

One tract, of 6,000 acres, on the north side of the River Kawkawling, at the Indian Village.

One tract, of 5,760 acres, upon the Flint River, to include Reaum's Village, and a place called Kishkawbawee.

One tract, of 8,000 acres, on the head of the River Huron, which empties into the Saginaw River, at the Village of Otusson.

One Island in the Saginaw Bay.

One tract, of 2,000 acres, where Nabobask formerly lived.

One tract, of 1,000 acres, near the Island in the Saginaw River.

One tract of 640 acres, at the bend of the River Huron, which empties into the Saginaw River.

One tract, of 2,000 acres, at the mouth of Point Augrais River.

* *Extract of Treaty between The United States and the Ottawa, Chippewa, &c Nations of Indians --Detroit, 17th November, 1807.*

ART. I. The Sachems, Chiefs, and Warriors, of the Nations aforesaid, in consideration of money and goods, to be paid to the said Nations by the Government of The United States, as hereafter stipulated, do hereby agree to cede, and for ever quit claim, and do in behalf of their Nations hereby cede, relinquish, and for ever quit claim unto the said United States, all right, title, and interest, which the said Nations now have, or claim, or ever had, or claimed, in, or unto, the Lands comprehended within the following described Lines and Boundaries: beginning at the mouth of the Miami River of the Lakes, and running thence, up the middle thereof, to the mouth of the great Auglaise River, thence running due north until it intersects a parallel of latitude, to be drawn from the outlet of Lake Huron, which forms the River Sinclair; thence running north-east, the course that may be found will lead, in a direct line, to White Rock, in Lake Huron, thence due East, until it intersects the Boundary Line between The United States and Upper Canada, in said Lake, thence, southwardly, following the said Boundary Line down said Lake, through River Sinclair, Lake St. Clair, and the River Detroit, into Lake Erie, to a point due east of the aforesaid Miami River, thence West to the place of beginning.

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One tract, of 1,000 acres, on the River Huron, at Menoquet's Village.

One tract, of 10,000 acres, on the Shawassee River, at a place called the Big Rock.

One tract, of 3,000 acres, on the Shawassee River, at Ketchewaundaugennink.

One tract, of 6,000 acres, at the Little Forks on the Tetabawasink River.

One tract, of 6,000 acres, at the Black Bird's Town, on the Tetabawasink River.

One tract, of 40,000 acres, on the west side of the Saginaw River to be hereafter located.

III. There shall be reserved, for the use of each of the persons hereinafter mentioned and their heirs, which persons are all Indians by descent, the following tracts of Land:

For the use of John Riley, the son of Menawcumegoqua, a Chippewa woman, 640 acres of land, beginning at the head of the first marsh above the mouth of the Saginaw River, on the east side thereof.

For the use of Peter Riley, the son of Menawcumegoqua, a Chippewa woman, 640 acres of land, beginning above and adjoining the apple trees on the west side of the Saginaw River, and running up the same for quantity.

For the use of James Riley, the son of Menawcumegoqua, a Chippewa woman, 640 acres, beginning on the east side of the Saginaw River, nearly opposite to Campeau's trading house, and running up the River for quantity.

For the use of Kawkawiskou, or the Crow, a Chippewa Chief, 640 acres of Land, on the east side of the Saginaw River, at a place called Menitegow, and to include, in the said 640 acres, the Island opposite the said place.

For the use of Nowokeshik, Metawanene, Mokitchenoqua, Nondashemau, Petabonaqua, Messawwakut, Chec balk, Kitchegeequa, Sagosequa, Annoketoqua, and Tawcumegoqua, each, 640 acres of land, to be located at and near the grand traverse of the Flint River, in such manner as the President of The United States may direct.

For the use of the children of Bokowtonden, 640 acres, on the Kawkawling River.

IV. In consideration of the cession aforesaid, The United States agree to pay to the Chippewa Nation of Indians, annually, for ever, the sum of 1,000 dollars in silver; and do also agree that all annuities due by any former Treaty to the said Tribe, shall be hereafter paid in silver.

V. The stipulation contained in the Treaty of Greenville,* relative to the right of the Indians to hunt upon the land ceded, while it continues the property of The United States, shall apply to this Treaty; and the Indians shall, for the same term, enjoy the privilege of making sugar upon the same Land, committing no unnecessary waste upon the trees.

VI. The United States agree to pay to the Indians the value of any improvements which they may be obliged to abandon, in consequence of the lines established by this Treaty, and which improvements add real value to the Land.

VII. The United States reserve to the proper authority the right to make roads through any part of the land reserved by this Treaty.

VIII. The United States engage to provide and support a blacksmith for the Indians, at Saginaw, so long as the President of The United States may think proper, and to furnish the Chippewa Indians with such farming utensils and cattle, and to employ such person to aid them in their agriculture, as the President may deem expedient.

IX. This Treaty shall take effect, and be obligatory on the Contracting Parties, so soon as the same shall be ratified by the President of The United States, by and with the advice and consent of the Senate thereof.

In testimony whereof, the said Lewis Cass, Commissioner as aforesaid, and the Chiefs and Warriors of the Chippewa Nation of Indians, have hereunto set their hands, at Saganaw, in the Territory of Michigan, this 24th day of September, in the Year of our Lord 1819.

LEWIS CASS.

[Marks of 114 Indian Chiefs and Warriors.]

Witnesses at Signing :

JOHN L. LEIB, <i>Secretary.</i>	JAMES V. S. RYLEY.
D.G. WHITNEY, <i>Assistant Secretary.</i>	B. CAMPAU.
C. L. CASS, <i>Captain 3d Infantry.</i>	JOHN HILL, <i>Army Contractor.</i>
R. A. FORSYTH, <i>Jun. Acting Comr.</i>	J. WHIPPLE.
CHESTER ROOT, <i>Captain of The</i>	HENRY I. HUNT.
<i>United States Artillery.</i>	WILLIAM KEITH.

* *Extract of Treaty between The United States and the Wyandot, Delaware, &c. Tribes of Indians.—Greenville, 3d August, 1795.*

ART. VII. The said Tribes of Indians, parties to this Treaty, shall be at liberty to hunt within the Territory and Lands which they have now ceded to The United States, without hindrance or molestation, so long as they demean themselves peaceably, and offer no injury to the People of The United States.

JOHN PEACOCK, <i>Lieut. 3d United States Infantry.</i>	A. E. LACOCK, M. S. K.
G. GODFREY, <i>Sub-Agent.</i>	RICHARD SMYTH.
W. KNAGGS, <i>Sub-Agent.</i>	LOUIS DEQUINDRE.
WILLIAM TUCKY, }	B. HEAD.
LOUIS BEUFORT, } <i>Sworn</i>	JOHN SMYTH.
JOHN HURSON, } <i>Interpreters.</i>	CONRAD TEN EYCK.

Now, therefore, be it known, that I, James Monroe, President of the United States of America, having seen and considered the said Treaty, have, by and with the advice and consent of the Senate, accepted, ratified, and confirmed, the same, and every Clause and Article thereof, with the exception of the Article supplementary thereto.

In testimony whereof, I have caused the Seal of The United States to be hereunto affixed, having first signed the same with my hand.

Done at the City of Washington, this 25th day of March, in the Year of our Lord 1820, and of the Independence of The United States the 44th.

(L. S.) JAMES MONROE.

By the President,

JOHN QUINCY ADAMS, *Secretary of State.*

TREATY between The United States and the Kickapoo Tribe of Indians.—Signed at Fort Harrison, 30th August, 1819.

JAMES MONROE, *President of The United States of America.*

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME,
GREETING :

WHEREAS, a Treaty between the United States of America, and the Tribe of Kickapoos of the Vermilion, was made and concluded, at Fort Harrison, on the 30th day of August, in the Year of our Lord 1819, by a Commissioner on the part of the said United States, and certain Chiefs, Warriors, and Head Men, of the Tribe aforesaid, on the part and in behalf of the said Tribe; which Treaty is in the words following, to wit :

A Treaty made and concluded by Benjamin Parke, a Commissioner on the part of the United States of America, of the one part, and the Chiefs, Warriors, and Head Men, of the Tribe of Kickapoos of the Vermilion, of the other part.

ART. I. The Chiefs, Warriors, and Head Men, of the said Tribe, agree to cede, and hereby relinquish, to The United States, all the Lands which the said Tribe has heretofore possessed, or which they may rightfully claim, on the Wabash River, or any of its waters.

II. And to the end that The United States may be enabled to fix

with the other Indian Tribes a Boundary between their respective claims, the Chiefs, Warriors, and Head Men, of the said Tribe, do hereby declare, that their rightful claim is as follows, viz.: beginning at the northwest corner of the Vincennes tract; thence, westwardly, by the Boundary established by a Treaty with the Piankeshaws, on the 30th day of December, 1805,* to the dividing ridge between the waters of the Embarras and the Little Wabash; thence, by the said ridge, to the source of the Vermilion River; thence, by the same ridge, to the head of Pine Creek; thence, by the said Creek, to the Wabash River; thence, by the said River to the mouth of the Vermilion River; and thence by the Vermilion, and the Boundary heretofore established, to the place of beginning.

III. The said Chiefs, Warriors, and Head Men, of the said Tribe, agree to relinquish, and they do hereby exonerate and discharge The United States from, the annuity of 1,000 dollars, to which they are now entitled. In consideration whereof, and of the cession hereby made, The United States agree to pay the said Tribe 2,000 dollars

* *Extract of Treaty between The United States and the Piankeshaw Tribe of Indians.—Vincennes, 30th December, 1805.*

ART. I. The Piankeshaw Tribe cedes and relinquishes to The United States for ever, all that Tract of Country, (with the exception of the reservation hereinafter made,) which lies between the Wabash and the Tract ceded by the Kaskaskia Tribe, in the Year 1803,† and south of a line to be drawn from the north-west corner of the Vincennes Tract north, 78 degrees west, until it intersects the Boundary Line which has heretofore separated the Lands of the Piankeshaws from the said Tract ceded by the Kaskaskia Tribe.

† *Extract of Treaty between The United States and the Kaskaskia Tribe of Indians. Vincennes, 13th August, 1803.*

ART. I. Whereas, from a variety of unfortunate circumstances, the several Tribes of Illinois Indians are reduced to a very small number, the remains of which have been long consolidated and known by the name of the Kaskaskia Tribe, and finding themselves unable to occupy the extensive Tract of Country which of right belongs to them, and which was possessed by their ancestors for many generations, the Chiefs and Warriors of the said Tribe being also desirous of procuring the means of improvement in the arts of civilized life, and a more certain and effectual support for their women and children, have, for the considerations hereinafter mentioned, relinquished, and by these presents do relinquish and cede, to The United States, all the Lands in the Illinois Territory, which the said Tribe has heretofore possessed, or which they may rightfully claim, reserving to themselves, however, the Tract of about 350 acres, near the Town of Kaskaskia, which they have always held, and which was secured to them by the Act of Congress, of the 3d of March, 1791, and also the right of locating one other Tract of 1,280 acres, within the bounds of that now ceded, which 2 Tracts of Land shall remain to them for ever.

annually, in specie, for 10 Years; which, together with 3,000 dollars now delivered, is to be considered a full compensation for the cession hereby made, as also of all annuities, or other claims, of the said Tribe against The United States, by virtue of any Treaty with the said United States.

IV. As the said Tribe contemplate removing from the Country they now occupy, the annuity herein provided for shall be paid at such place as may be hereinafter agreed upon between The United States and said Tribe.

V. This Treaty, after the same shall be ratified by the President and Senate of The United States, shall be binding on the Contracting Parties.

In testimony whereof, the said Benjamin Parke, Commissioner as aforesaid, and the Chiefs, Warriors, and Head Men, of the said Tribe, have hereunto set their hands, at Fort Harrison, the 30th day of August, in the Year 1819.

B. PARKE.

[Marks of 9 Indian Chiefs, &c.]

In the presence of

JOHN LAW, *Secretary to the Com-*
missioner.

PIERRE LAPLANTE.

JAMES C. TURNER.

WILLIAM PRINCE, *Indian Agent.*

SAMUEL L. RICHARDSON.

WILLIAM MARKLE.

MICHAEL BROUILLET, *United*
States Interpreter.

ANDREW BROOKS.

Now, therefore, be it known that I, James Monroe, President of the United States of America, having seen and considered the said Treaty, have, by and with the advice and consent of the Senate, accepted, ratified, and confirmed, the same, and every clause and article thereof.

In testimony whereof, I have caused the Seal of The United States to be hereunto affixed, having first signed the same with my hand.

Done at the City of Washington, this 10th day of May, in the Year of our Lord 1820, and of the Independence of The United States the 44th.

JAMES MONROE.

By the President,

JOHN QUINCY ADAMS, *Secretary of State.*

**PROCLAMATION of the President of The United States,
repealing the Discriminating Duties of Tonnage on Vessels
and Goods of the City of Lubeck.—4th May, 1820.**

By the President of the United States of America.

A PROCLAMATION.

WHEREAS, by an Act of the Congress of The United States, of the 3d of March, 1815,* so much of the several Acts imposing duties on

* See Commercial Treaties, Vol. 3. Page 484.

the Ships and Vessels, and on goods, wares, and merchandise, imported into The United States, as imposed a discriminating duty of tonnage between Foreign Vessels and Vessels of The United States, and between goods imported into The United States in Foreign Vessels and Vessels of The United States, were repealed, so far as the same respected the produce or manufacture of the Nation to which such Foreign Ship or Vessel might belong, such repeal to take effect in favor of any Foreign Nation, whenever the President of The United States should be satisfied that the discriminating or countervailing duties of such Foreign Nation, so far as they operate to the disadvantage of The United States, have been abolished :

And whereas satisfactory proof has been received by me, from the Burgomasters and Senate of the Free Hanseatic City of Lubeck, that from and after the 30th day of October, 1819, all discriminating or countervailing duties of the said City, so far as they operated to the disadvantage of The United States, have been and are abolished :

Now, therefore, I, James Monroe, President of the United States of America, do hereby declare and proclaim, that so much of the several Acts imposing duties on the Tonnage of Ships and Vessels, and on goods, wares, and merchandise, imported into The United States, as imposed a discriminating duty of tonnage between Vessels of the Free Hanseatic City of Lubeck and Vessels of The United States, and between Goods imported into The United States in Vessels of Lubeck and Vessels of The United States, are repealed, so far as the same respect the produce or manufacture of the said Free Hanseatic City of Lubeck.

Given under my hand, at the City of Washington, this 4th day of May, in the Year of our Lord 1820, and 44th Year of the Independence of The United States.

JAMES MONROE.

ACT of Congress of The United States, designating the Ports within which only Foreign Armed Vessels shall be permitted to enter.—15th May, 1820.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

That, after the 1st day of July, 1820, it shall not be lawful for any Foreign Armed Vessels to enter any Harbor belonging to The United States, excepting only those of Portland, Boston, New London, New York, Philadelphia, Norfolk, Smithville, in North Carolina, Charleston, and Mobile ; unless when such Vessels shall be forced in by distress, by the dangers of the sea, or by being pursued by an Enemy, and be unable to make any of the Ports above-mentioned ; in which cases,

the Commanding Officer shall immediately report his Vessel to the Collector of the District, stating the object or causes of his entering such Harbor; shall take such position therein as shall be assigned him by such Collector, and shall conform himself to such regulations as shall be signified to him by the said Collector, under the authority and direction of the President of The United States.

§ 2. *And be it further enacted*, That it shall be lawful for the President of The United States, to employ such part of the Land and Naval Forces of The United States or the Militia thereof, as he may deem necessary to enforce the provisions of the first Section of this Act; and the President shall also be authorized to employ such Forces to prevent any Foreign Armed Vessel from entering or remaining within any Waters within the jurisdiction of The United States, except such as shall lie in her direct course in entering from sea, or leaving, to proceed to sea, either of the Harbors abovementioned.

§ 3. *And be it further enacted*, That this Act shall continue in force until the 1st day of July, 1822, and no longer.

[*Approved, 15th May, 1820.*]

ACT of Congress of The United States, to continue in force "An Act to protect the Commerce of The United States and punish the Crime of Piracy," and also to make Provisions for punishing the Crime of Slave Trading, as Piracy.—15th May, 1820.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*; That the 1st, 2d, 3d, and 4th Sections of an Act, entitled "An Act to protect the Commerce of The United States and punish the Crime of Piracy," passed on the 3d day of March, 1819, be, and the same are hereby, continued in force, from the passing of this Act for the term of 2 years, and from thence to the end of the next Session of Congress, and no longer.

§ 2. *And be it further enacted*, That the 5th Section of the said Act* be, and the same is hereby, continued in force, as to all crimes

* Section 5, Act, approved 3d March, 1819.—And be it further enacted, that if any Person or Persons whatsoever, shall, on the high seas, commit the crime of Piracy, as defined by the Law of Nations, and such Offender or Offenders shall afterwards be brought into, or found in, The United States, every such Offender or Offenders shall, upon conviction thereof, before the Circuit Court of The United States or the District into which he or they may be brought, or in which he or they shall be found, be punished with death.

made punishable by the same, and heretofore committed, in all respects, as fully as if the duration of the said Section had been without limitation.

§ 3. *And be it further enacted*, That, if any Person shall, upon the High Seas, or in any open Roadstead, or in any Haven, Basin, or Bay, or in any River where the Sea ebbs and flows, commit the crime of robbery, in or upon any Ship or Vessel, or upon any of the Ship's Company of any Ship or Vessel, or the lading thereof, such Person shall be adjudged to be a Pirate; and, being thereof convicted, before the Circuit Court of The United States for the District into which he shall be brought, or in which he shall be found, shall suffer death. And if any Person engaged in any piratical Cruize or Enterprise, or being of the Crew or Ship's Company of any Piratical Ship or Vessel, shall land from such Ship or Vessel, and, on shore, shall commit robbery, such Person shall be adjudged a Pirate; and on conviction thereof, before the Circuit Court of The United States for the District into which he shall be brought, or in which he shall be found, shall suffer death: *Provided*, that nothing in this Section contained shall be construed to deprive any particular State of its jurisdiction over such offences, when committed within the body of a County, or authorize the Courts of The United States to try any such Offenders, after conviction or acquittance, for the same offence, in a State Court.

§ 4. *And be it further enacted*, That if any Citizen of The United States, being of the Crew or Ship's Company of any Foreign Ship or Vessel engaged in the Slave Trade, or any Person whatever, being of the Crew or Ship's Company of any Ship or Vessel, owned in the whole or part, or navigated for, or in behalf of, any Citizen or Citizens of The United States, shall land, from any such Ship or Vessel, and on any Foreign shore, seize any Negro or Mulatto, not held to service or labor by the Laws of either of the States or Territories of The United States, with intent to make such Negro or Mulatto a Slave, or shall decoy, or forcibly bring or carry, or shall receive, such Negro or Mulatto on board any such Ship or Vessel, with intent as aforesaid, such Citizen or Person shall be adjudged a Pirate; and, on conviction thereof, before the Circuit Court of The United States for the District wherein he may be brought or found, shall suffer death.

§ 5. *And be it further enacted*, That if any Citizen of The United States, being of the Crew or Ship's Company of any Foreign Ship or Vessel engaged in the Slave Trade, or any Person whatever, being of the Crew or Ship's Company of any Ship or Vessel, owned wholly or in part, or navigated for, or in behalf of, any Citizen or Citizens of The United States, shall forcibly confine or detain, or aid and abet in forcibly confining or detaining, on board such Ship or Vessel, any Negro or Mulatto not held to service by the Laws of either of the States or Territories of The United States, with intent to

make such Negro or Mulatto a Slave, or shall, on board any such Ship or Vessel, offer or attempt to sell, as a Slave, any Negro or Mulatto not held to service as aforesaid, or shall, on the High Seas, or any where on tide water, transfer, or deliver over, to any other Ship or Vessel, any Negro or Mulatto, not held to service as aforesaid, with intent to make such Negro or Mulatto a Slave, or shall land, or deliver on shore, from on board any such Ship or Vessel, any such Negro or Mulatto, with intent to make sale of, or having previously sold, such Negro or Mulatto, as a Slave, such Citizen or Person shall be adjudged a Pirate; and, on conviction thereof, before the Circuit Court of The United States for the District wherein he shall be brought or found, shall suffer death.

[Approved, 15th May, 1820.]

ACT of Congress, closing the Ports of The United States, against British Vessels from North America and the West Indies, supplementary to an Act, entitled "An Act concerning Navigation."—15th May, 1820.*

SECT. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, from and after the 30th day of September next, the Ports of The United States shall be and remain closed against every Vessel owned wholly, or in part, by a Subject or Subjects of His Britannic Majesty, coming, or arriving by sea, from any Port or Place in the Province of Lower Canada, or coming or arriving from any Port or Place in the Province of New Brunswick, the Province of Nova Scotia, the Islands of Newfoundland, St. John's, or Cape Breton, or the Dependencies of any of them, the Islands of Bermuda, the Bahama Islands, the Islands called Caicos, or the Dependencies of any of them, or from any other Port or Place in any Island, Colony, Territory, or Possession, under the dominion of Great Britain in the West Indies, or on the Continent of America, south of the southern Boundary of The United States, and not included within the Act to which this Act is supplementary. And every such Vessel, so excluded from the Ports of The United States, that shall enter, or attempt to enter the same, in violation of this Act, shall, with her tackle, apparel, and furniture, together with the Cargo on board such Vessel, be forfeited to The United States.

§ 2. *And be it further enacted,* That, from and after the 30th day of September next, the Owner, Consignee, or Agent, of every Vessel, owned wholly, or in part, by a Subject or Subjects of His Britannic Majesty, which shall have been duly entered in any Port of The

* Act of Congress, 18th April, 1818.

United States, and on board of which shall have been there laden, for exportation, any article or articles of the growth, produce, or manufacture, of The United States, other than provisions and sea-stores, necessary for the voyage, shall, before such Vessel shall have been cleared outward at the Custom House, give Bond, in a sum double the value of such article or articles, with one or more Sureties, to the satisfaction of the Collector, that the article or articles so laden on board such Vessel, for exportation, shall be landed in some Port or Place other than a Port or Place in any Province, Island, Colony, Territory, or Possession, belonging to His Britannic Majesty, that is mentioned or described in this Act, or in the Act to which this Act is supplementary. And every such Vessel that shall sail, or attempt to sail, from any Port of The United States, without having complied with the Provisions aforesaid, by giving Bond as aforesaid, shall, with her tackle, apparel, and furniture, together with the article or articles aforesaid, laden on board the same as aforesaid, be forfeited to The United States: *Provided*, That nothing herein contained shall be deemed or construed so as to violate any Provision of the Convention to regulate Commerce between the Territories of The United States and of His Britannic Majesty, signed the 3rd day of July, 1815.*

§ 3. *And be it further enacted*, That, from and after the 30th day of September next, no goods, wares, or merchandise, shall be imported into the United States of America from the Province of Nova Scotia, the Province of New Brunswick, the Islands of Cape Breton, St. John's Newfoundland, or their respective Dependencies, from the Bermuda Islands, the Bahama Islands, the Islands called Caicos, or either or any of the aforesaid Possessions, Islands, or Places, or from any other Province, Possession, Plantation, Island, or Place, under the dominion of Great Britain in the West Indies, or on the Continent of America, south of the southern Boundaries of The United States, except only such goods, wares, and merchandise, as are truly and wholly of the growth, produce, or manufacture, of the Province, Colony, Plantation, Island, Possession, or Place, aforesaid, where the same shall be laden, and from whence such goods, wares, or merchandise, shall be directly imported into The United States; and all goods, wares, and merchandise, imported, or attempted to be imported, into the United States of America, contrary to the Provisions of this Act, together with the Vessel on board of which the same shall be laden, her tackle, apparel, and furniture, shall be forfeited to The United States.

§ 4. *And be it further enacted*, That the form of the Bond aforesaid shall be prescribed, and the same shall be discharged, and all penalties and forfeitures incurred under this Act, shall be sued for, re-

* See Commercial Treaties. Vol. 2. Page 386.

covered, distributed, and accounted for, and the same may be mitigated or remitted, in the manner, and according to the Provisions, of the Act to which this Act is supplementary.

[Approved, 15th May, 1820.]

LETTER from the Secretary of the Treasury to Congress, transmitting a Statement of the Exports from The United States, during the Year ending on the 30th of September, 1819.

SIR, *Treasury Department, 17th December, 1819.*

I HAVE the honor to transmit, herewith, a Statement of Exports from The United States, during the Year ending on the 30th of September, 1819, amounting in value to 70,142,521 dollars, viz: in articles of

	Dollars.
Domestic produce or manufacture.....	50,976,838
Foreign { entitled to drawback	15,801,676
{ not entitled to drawback.....	3,364,007
	<hr/> 19,165,683
Total Dollars...	<hr/> 70,142,521 <hr/>

Which articles appear to have been exported to the following Countries, viz:

	Domestic.	Foreign.
To the Dominions of Great Britain	26,908,038	2,833,701
France	8,108,922	2,933,279
Spain	4,404,971	3,703,288
Netherlands.....	2,699,388	2,130,726
Portugal	1,950,844	312,736
Denmark and Norway...	1,198,232	842,500
Russia, Prussia, Sweden, Hanse-towns, & Ports of Germany.....	2,617,465	2,139,355
China	74,896	1,512,076
All other Countries.....	3,014,082	2,758,022
Total Dollars...	<hr/> 50,976,838	<hr/> 19,165,683 <hr/>

I have the honor to be, &c.

WM. H. CRAWFORD.

The Honorable the Speaker of the House of Representatives.

Summary of the Value and Destination of the Exports of The United States, during the Year ending 30th September, 1819.

WHITHER EXPORTED.	Domestic	Foreign	Total Value,
	Produce.	Produce.	to the Dominions of each Power.
	Dollars.	Dollars.	Dollars.
Russia - - - - -	143,752	485,869	629,621
Prussia - - - - -	43,627	265	43,892
Sweden - - - - -	98,881	11,267	
Swedish West Indies - - - - -	345,793	98,194	554,135
Denmark and Norway - - - - -	77,375	26,074	
Danish West Indies - - - - -	1,120,857	816,426	2,040,732
Holland - - - - -	2,174,310	1,961,634	
Dutch West Indies and American Colonies - - - - -	490,568	130,473	
Dutch East Indies - - - - -	34,510	38,619	4,830,114
England, Man, and Berwick - - - - -	18,772,224	1,351,823	
Scotland - - - - -	2,329,393	22,490	
Ireland - - - - -	1,051,881	6,756	
Guernsey, Jersey, Sark, Alderney - - - - -	11,520		
Gibraltar - - - - -	806,159	1,350,168	
British East Indies - - - - -	24,914	100,631	
Ditto West Indies - - - - -	843,312	1,726	
Ditto American Colonies - - - - -	3,038,995	107	
Other British Colonies - - - - -	29,640		29,741,739
The Hanse Towns and Ports in Germany - - - - -	1,985,412	1,543,760	3,529,172
French European Ports on the Atlantic - - - - -	6,358,542	1,966,637	
Ditto do. do. Mediterranean - - - - -	253,957	762,912	
French West Indies and American Colonies - - - - -	1,460,575	180,935	
Bourbon and Mauritius - - - - -	35,848	22,795	11,042,201
Spanish European Ports on the Atlantic - - - - -	517,664	161,995	
Ditto ditto ditto Mediterranean - - - - -	54,168	74,059	
Teneriffe and the other Canaries - - - - -	59,554	48,524	
Floridas - - - - -	151,464	47,186	
Honduras, Campeachy, &c. - - - - -	102,755	390,807	
Spanish West Indies - - - - -	3,519,366	2,980,717	8,108,259
Portugal - - - - -	555,798		
Madeira - - - - -	320,675	8,559	
Fayal and the other Azores - - - - -	7,102	10,759	
Cape de Verd Islands - - - - -	34,892	64,069	
Coast of Brazil, &c. - - - - -	1,032,377	229,349	2,263,580
Hayti - - - - -	383,870	178,425	562,295
South America - - - - -	133,819	72,958	206,777
Italy and Malta - - - - -	108,373	1,007,338	1,115,711
Trieste and other Austrian Ports in the Adriatic - - - - -	15,146	245,303	260,449
Turkey, Levant, Egypt, Mocha, and Aden - - - - -	4,025	129,883	133,908
Morocco and Barbary States - - - - -	1,372	6,895	8,267
China - - - - -	74,896	1,512,076	1,586,972
Asia, (generally) - - - - -	61,195	511,725	572,920
West Indies (ditto) - - - - -	1,988,861	319,848	2,308,709
Europe (ditto) - - - - -	180,351	47,352	227,703
Africa (ditto) - - - - -	73,386	57,778	131,164
South Seas - - - - -	1,020	529	1,549
North West Coast of America - - - - -	62,664	179,988	242,652
	Total Dollars -		70,142,521

*Summary of the Value of Exports from each State of The United States,
during the Year ending the 30th September, 1819.*

STATES.	DOMESTIC.	FOREIGN.	TOTAL.
	<i>Dollars.</i>	<i>Dollars.</i>	<i>Dollars.</i>
New Hampshire.....	152,847	5,072	157,919
Vermont.....	585,596	..	585,596
Massachusetts.....	4,873,992	6,525,921	11,399,913
Rhode Island.....	559,754	721,680	1,281,434
Connecticut.....	437,851	683	438,534
New York.....	8,487,692	5,099,686	13,587,378
New Jersey.....	1,474	..	1,474
Pennsylvania.....	2,919,679	3,374,109	6,293,788
Delaware.....	27,378	2,450	29,828
Maryland.....	3,648,067	2,278,149	5,926,216
*District of Columbia.....	990,936	415	991,351
Virginia.....	4,358,784	33,537	4,392,321
North Carolina.....	646,703	1,033	647,736
South Carolina.....	8,014,598	236,192	8,250,790
Georgia.....	6,241,960	68,474	6,310,434
Ohio.....	405	..	405
Louisiana.....	8,950,921	817,832	9,768,753
Mississippi.....	50,456	450	50,906
Michigan Territory.....	27,745	..	27,745
*Georgetown.....	55,155	415	55,570
Alexandria.....	935,781	..	935,781
Total...Dollars.	51,967,774	19,166,098	71,133,872

Summary Statement of the Value of the Exports of the Growth, Produce, and Manufacture of The United States, during the Year ending the 30th September, 1819.

THE SEA.				Dollars.	Dollars.	Dollars.
Fisheries :						
Dried Fish, or cod fishery -	-	-	-	-	1,052,000	
Pickled fish, or river fishery, (herring, shad, salmon, mackarel, -	-	-	-	-	409,000	
Whale, (common) oil, and bone -	-	-	-	431,000		
Spermaceti oil and candles -	-	-	-	132,000		
					563,000	2,024,000
THE FOREST.						
4,927,000						
Skins and furs -	-	-	-	-	481,000	
Ginseng -	-	-	-	-	39,000	
Product of wood :						
Lumber (boards, staves, shingles, hoops and poles, hewn timber, masts and spars, &c.) -	-	-	-	2,466,000		
Oak bark and other dye -	-	-	-	146,000		
Naval stores, (tar, pitch, rosin, turpentine) -	-	-	-	376,000		
Ashes, pot and pearl -	-	-	-	1,419,000		
					4,407,000	4,927,000
AGRICULTURE.						
41,452,000						
Product of animals :						
Beef, tallow, hides, live cattle -	-	-	-	598,000		
Butter and cheese -	-	-	-	297,000		
					895,000	
Pork, (pickled) bacon, lard, live hogs -	-	-	-	1,009,000		
Horses and mules -	-	-	-	100,000		
Sheep -	-	-	-	21,000		
					1,130,000	
Vegetable food :						
Wheat, flour, and biscuit -	-	-	-	-	6,415,000	
Indian corn and meal -	-	-	-	-	1,424,000	
Rye and meal -	-	-	-	-	296,000	
Rice -	-	-	-	-	2,143,000	
All other, (oats, pulse, potatoes) -	-	-	-	-	195,000	
						10,473,000
Tobacco -	-	-	-	-	-	7,637,000
*Cotton -	-	-	-	-	-	21,082,000
All other agricultural products :						
Flaxseed -	-	-	-	-	171,000	
Hops -	-	-	-	-	20,000	
Wax -	-	-	-	-	37,000	
Various items, (poultry, maple sugar, &c.) -	-	-	-	-	7,000	
						235,000
MANUFACTURES.						
2,574,000						
Domestic materials :						
Soap and tallow candles -	-	-	-	469,000		
Leather, boots, shoes, and saddlery -	-	-	-	122,000		
Hats -	-	-	-	16,000		
Grain, (spirits, beer, starch) -	-	-	-	95,000		
Wood, (household furniture, coaches, and other carriages) -	-	-	-	325,000		
Cordage -	-	-	-	40,000		
Iron -	-	-	-	54,000		
Various items, (snuff, wax, candles, tobacco, lead, &c.) -	-	-	-	503,000		
					1,624,000	
Foreign materials :						
Spirits, from molasses -	-	-	-	153,000		
Sugar, refined -	-	-	-	11,000		
Chocolate -	-	-	-	1,000		
Gunpowder -	-	-	-	110,000		
Brass and copper -	-	-	-	13,000		
Medicinal drugs -	-	-	-	32,000		
					320,000	1,944,000
UNCERTAIN.						
Articles not distinguished in Returns :						
Manufactured -	-	-	-	-	301,000	
Raw materials -	-	-	-	-	329,000	
						630,000
Total - - Dollars				-	-	50,977,000

* Sea Island cotton, valued at 46 cents per pound.

Upland do. do. 22 do.

ACTE de Ratification de la Porte Ottomane, de la Cession des Iles Ioniennes à la Grande Bretagne, et de celle de Parga à la Turquie.—Constantinople, le 24 Avril, 1819.

Nous, par la grâce du Suprême Maître des Empires, du Fondateur immuable du solide Edifice du Califat, et par l'influence miraculeuse du modèle des Saints, du soleil des deux Mondes, notre Grand Prophète Mahommed Mustapha,—ainsi que par l'assistance co-opératrice de ses Disciples et Successeurs, et de toute la série des Saints,

(Chiffre.)

Sultan, Fils de Sultan, et Empereur, Fils d'Empereur, Mahmoud Han, Vainqueur, Fils d'Abdulhamyd Han, Vainqueur, Fils d'Ahmed Han, Vainqueur, dont les nobles diplômes sont décorés du Titre Souverain de Sultan des deux Terres, et les actes suprêmes du nom d'Empereur des deux Mers, et dont les devoirs, propres à notre dignité Impériale, sont l'administration de la justice, le soin de bien gouverner et l'assurance de repos de nos Peuples, Maître et Gardien des plus nobles des Villes de l'Univers, envers lesquelles sont dirigés les vœux de tous les Peuples, les deux Cités sacrées de Mecque et de Médine, du Sanctuaire intérieur et de la Terre Sainte, Calife Suprême des vastes Régions et Provinces situées dans l'Anatolie et dans la Roumélie, dans les Mers Blanche et Noire, dans l'Arabie, dans la Chaldée, et Souverain glorieux de nombreuses Forteresses, Châteaux, Places, et Villes :

Déclarons :

Que, vu la parfaite intelligence et l'amitié perpétuelle qui régnet entre notre Sublime Porte d'éternelle durée, et le plus glorieux parmi les grands Princes croyans en Jésus Christ, le modèle des augustes personnages de la Nation de Messie, le conciliateur des intérêts des Etats des Peuples Chrétiens, décorés des robes de la Majesté et de la Gloire, et couvert des marques de la grandeur et de la haute renommée ; Sa Majesté, notre très estimé, ancien, intime, loyal, et constant, Ami, le Roi (Padichah) des Royaumes Unis de la Grande Bretagne et d'Irlande, et d'un grand nombre de Pays qui en dépendent, George III. dont la fin soit heureuse ! l'une et l'autre Cour nourrissent le désir et l'empressement les plus parfaits de raffermir les bases de l'amitié et de resserrer de plus en plus les liens de la bonne intelligence et intimité entre elles.

Or, il est de notoriété publique que les Districts de Prevesa, Vonitza, Boutrinto, et Parga, situés dans le voisinage et sur la côte de l'Albanie, une de nos Provinces Impériales, ayant ci-devant, par les sages mesures de notre Sublime Porte, passés en sa possession, et été annexés à nos Etats Impériaux, l'un de ces Districts, la place de Parga, à cause de certaines vicissitudes survenues, étoit tombé en d'autres mains, et après quelque temps a été délivré par l'Angleterre.

Il est également connu que ce District ayant été compté parmi les Etats de notre illustre Empire, la Cour d'Angleterre, dont la loyauté envers notre Sublime Porte est aussi claire que le jour, et dont les marques d'amitié sincère se multiplient de plus en plus, vient maintenant de remettre la dite Place de Parga à notre Sublime Porte, avec toutes ses dépendances et appartenances ; et comme les Iles de Corfou, Céphalonie, Zante, Sainte Maure, Ithaque, et Cérigo, connues sous le nom des Sept Iles Unies, ainsi que les petites Iles qui en sont dépendantes, et dont quelques unes sont habitées et d'autres désertes, ont aussi été sous la souveraineté de notre Sublime Porte par le passé et reconnues pour être ses Tributaires et Protégées, et que par la révolution des temps cet état des choses a subi un changement, et finalement ces Iles aussi sont passées entre les mains de la Grande Bretagne, cette Cour a notifié, qu'exception faite des 4 Districts susmentionnés, qui font partie de nos Etats Impériaux, les dites Iles ont été placées sous la protection immédiate et exclusive de Sa Majesté le Roi (Padichah) de la Grande Bretagne, d'après l'arrangement fait uniquement au sujet des Iles susdites, entre les 4 Grandes Puissances.

En conséquence, la dite Cour d'Angleterre a amicalement requis que dorénavant Sa Majesté Britannique soit regardé comme Souverain Protecteur de ces Iles, et que leurs habitans soient considérés comme Sujets protégés ; que le même traitement leur soit fait comme aux Sujets Britanniques, et que, lorsque les dits habitans voudroient fréquenter les Pays de l'Empire Turc, et y faire le commerce, ils soient libre de tout empêchement et molestation ; que leurs affaires soient traitées d'après les mêmes capitulations et stipulations qui sont observées en faveur des autres Sujets de Sa dite Majesté, et qu'eux même soient accueillis avec douceur et bonté.

Or, la Cour d'Angleterre étant, depuis les temps les plus reculés, l'amie intime de notre Sublime Porte, et ayant en cette occasion même, par l'égard qu'elle lui a manifesté dans la remise de la dite Place de Parga, démontré sa conduite amicale et équitable, et donné de nouvelles preuves de sa droiture ainsi que de son amour pour l'harmonie et la bonne correspondance avec nous ; nous en sommes parfaitement satisfaits, et notre Sublime Porte accepte et ratifie cette demande amicale sur le pied spécifié.

Elle reconnaît donc désormais les habitans des susdites Iles comme étant de la manière ci-dessus Sujets protégés de la Cour de la Grande Bretagne ; et notre Sublime Porte promet et s'engage que les mêmes capitulations et stipulations qui sont observées, en faveur des autres Sujets Anglais, seront exactement exécutées en tout temps par rapport aux habitans des susdites Iles.

Ceux parmi ces habitans qui se trouveraient être dans les Pays Ottomans, et qui y auraient fait l'acquisition de terres, de biens immeubles et autres possessions de cette nature, et qui y fessant paisible-

ment le commerce, voudroient de leur propre gré accepter l'état de Rayah, seront comptés comme tels ; si, au contraire, ils ne veulent pas rester, mais qu'ils aiment mieux retourner à leurs Iles, en vendant les terres et biens qu'ils ont acquis, notre Sublime Porte y donnera son consentement, en leur accordant un terme de 12 mois pour disposer de leurs biens et terminer leurs affaires ; et s'engage à traiter ceux-ci également comme véritables Sujets Anglais.

Tout ce que ci-dessus ayant été convenu entre les 2 Cours, et l'Ambassadeur Extraordinaire et Plénipotentiaire de Sa Majesté Britannique le Chevalier Robert Liston, dont la fin soit heureuse, s'étant engagé par acte de faire venir la ratification de sa Cour dans l'espace de quelques mois, il est claire et évident que tous ces points seront parfaitement acceptés, et maintenus de notre côté Impérial ; et tant que rien de contraire n'arrivera de la part de la Cour d'Angleterre, il n'y a pas à appréhender qu'aucune circonstance ne survienne de la part de notre Sublime Porte qui y soit opposé.

24 Avril, 1819.

*LETTER from the Secretary of the Treasury to Congress,
transmitting an Estimate of the Appropriations proposed
for the Year 1820.*

SIR, *Treasury Department, 23d December, 1819.*

I HAVE the honor to transmit, herewith, for the information of the House of Representatives, an Estimate of the Appropriations proposed for the Year 1820, amounting toDollars 15,417,553 72

Viz :

Civil List, Miscellaneous and Foreign	Dollars	
Intercourse.....	2,422,693	93
Military Department, including Indian Department, and Revolutionary and Military Pensions	10,292,831	03
Navy Department, including Marine Corps	2,702,028	76
<hr/>		
To which add permanent Appropriations, viz :		
Sinking Fund.....	10,000,000	00
Gradual increase of the Navy	1,000,000	00
Arming Militia	200,000	00
Indian Annuities	156,725	00
Also, Navy deficit for this Year	500,000	00
	<hr/>	11,856,725 00
Total Dollars	<hr/>	<hr/> 27,274,278 72 <hr/>

The Funds from which the Appropriations for the Year 1820 may be discharged, are the following, viz :

1. The Sum of 600,000 dollars, annually reserved by the Acts of the 4th of August, 1790, out of the Duties and Customs, towards the expenses of the Government.
2. The Surplus which may remain of the Customs and internal Duties, after satisfying the Sums for which they are pledged and appropriated.
3. Any other unappropriated Money which may be in the Treasury during the Year 1820.

I have the honor to be, &c.

W. H. CRAWFORD.

The Honorable the Speaker of the House of Representatives.

Treasury Department, Register's Office,

SIR,

21st December, 1819.

I HAVE the honor to transmit herewith the General Estimate of Appropriations, for the service of the Year 1820, viz :

	Dollars	
Civil Department.....	1,099,833 29	
Submissions for do.....	18,100 00	
	<hr/>	1,117,933 29
Miscellaneous		971,482 88
Intercourse with Foreign Nations		333,277 76
		<hr/>
		2,422,693 93

Military Establishment, viz :

Expenses of the Army	3,380,614 96	
Permanent Objects	3,003,971 04	
Military Pensions	426,845 03	
Revolutionary Pensions	3,066,400 00	
Half-pay Pensions to Widows & Orphans	100,000 00	
Indian Department.....	315,000 00	
	<hr/>	10,292,831 03
Naval Establishment	2,474,507 50	
Marine Corps	227,521 26	
	<hr/>	2,702,028 76

Total amount, including Submissions, Dollars 15,417,553 72

I have the honor to be, &c.

JOSEPH NOURSE, *Register.*

The Hon. William H. Crawford, Secretary of the Treasury.

Number and description of Officers and Men estimated for.	Pay per month.	Amount of pay per annum.	No. of rations per day.	No. of rations per annum.	Price of rations.	Amount of rations.	Total amount of pay and rations.
	Dollars.	Dollars.			Cents.	Dollars.	Dollars.
32 Captains, 12 of whom are entitled to and 20 - - - to	100	14,400	15	65,700	25	16,425	30,825
23 Masters Commandant - - -	100	24,000	7	51,100	-	12,775	36,775
10 Lieutenants Commandant - - -	60	16,560	4	33,580	-	8,395	24,955
203 Lieutenants - - -	50	6,000	3	10,950	-	2,737	8,737
392 Midshipmen - - -	40	97,440	2	148,190	-	17,047	134,487
52 Surgeons - - -	19	89,376	-	-	-	-	89,376
53 Surgeons' Mates - - -	50	31,200	1	18,980	-	4,745	35,945
45 Purser - - -	80	19,080	1	19,345	-	4,836	23,916
10 Chaplains - - -	40	21,600	1	16,425	-	4,106	25,706
4 Schoolmasters - - -	40	4,800	1	3,650	-	912	5,712
76 Sailing Masters - - -	25	1,200	1	1,460	-	365	1,565
32 Captains' Clerks - - -	40	36,480	1	27,740	-	6,935	43,415
47 Masters' Mates - - -	25	9,600	-	-	-	-	9,600
81 Boatswains	161	20	38,640	-	-	-	38,640
31 Gunners							
31 Carpenters							
21 Sailmakers							
30 Boatswains' Mates	92	19	20,976	-	-	-	20,976
22 Gunners' Mates							
27 Carpenters' Mates							
13 Sailmakers' Mates							
88 Quarter Gunners	329	18	71,064	-	-	-	71,064
70 Quarter Masters							
34 Yeomen							
18 Coxswains							
35 Stewards	12	199,872	-	-	-	-	199,872
7 Coopers							
28 Armorers							
15 Masters at Arms							
10 Ship's Corporals	10	164,400	-	-	-	-	164,400
24 Cooks							
1388 Able Seamen	7	23,325	-	-	-	-	23,325
1370 Ordinary Seamen	-	-	-	-	-	-	-
278 Boys	-	-	-	-	-	-	-
4550 Total.							989,330
Provisions for 4,550 persons, making 1,660,750 rations at 25 cents.							415,187
Hospital stores, medicines, and surgical instruments, including the Marine Corps					Dollars	1,404,500	36,000
Repairs of Vessels, including the purchase of all articles of equipment not provided for by specific Appropriations						424,000	
Improvement of Navy Yards, Docks, and Wharves, pay of Superintendents, Store Keepers, Clerks, and Laborers						150,000	
Ordnance, Military Stores, munitions of all kinds						100,000	
Contingent expenses, comprehending transportation of stores, travelling expenses of Officers, expense of Courts Martial and Courts of Inquiry, and incidental charges of every description						300,000	
Total, Dollars						2,474,500	

MARINE CORPS.

		<i>Pay.</i>		
		Dollars.	Dollars.	Dollars.
1	Lieutenant-Colonel.....at 75 per month		900	
9	Captains	40 do.	4,320	
24	First Lieutenants.	30 do.	8,640	
16	Second Lieutenants	25 do.	4,800	
6	Surgeons.....	50 do.	3,600	
73	Sergeants	9 do.	7,884	
73	Corporals	8 do.	7,008	
42	Musicians	7 do.	3,528	
750	Privates	6 do.	54,000	
Extra pay to Adjutant, Pay-				
master and Quartermaster 30 do.			1,080	
				95,760 00

Subsistence.

1	Lieutenant-Colonel Commandant, 8 rations per day and 8 rations extra as Commandant, is 5,840 complete rations, at 20 cents	1,168 00
9	Captains at 3 rations each per day is 9,855, at 20 cents	1,971 00
24	First Lieuts. 3 rations each, 26,280 at 20 cts.	5,256 00
16	Second do. 3 do. 17,520 at 20 do.	3,504 00
6	Surgeons 2 do. 4,380 at 25 do.	1,095 00
938	Non-commissioned Officers, Musicians, and Privates, at 1 ration each per day; is 342,370, at 15 cents for one half ashore and 25 cents for one half at sea	
	171,185 rations at 15 shore	25,677 75
	171,185 do. at 25 sea	42,796 25

81,468 00

Clothing.

		Dollars.
73	Sergeants' suits	at 19 13 1,396 49
42	Musicians' suits	at 18 88 792 96
823	Corporals & Privates suits at	18 38 15,126 74
100	Pair of shoulder knots ... at	1 00 100 00
938	Caps, plates, bands, and plumes	at 1 75 1,641 50
938	Stocks.....	at 0 14 131 32
938	Blankets.....	at 2 87½ 2,696 75
3752	Pair shoes	at 1 25 4,690 00
90	Watch-coats	at 7 00 630 00

27,205 76

Military Stores.

	Dollars.	Dollars.	Dollars.
900 Knapsacks	at 1 00	900 00	
350 Brushes and prickers	at 0 25	87 50	
Bunting for Flags		100 00	
			1,087 50

Contingent Account.

Fuel for the Corps, Forage for the Commandant and Staff, building and repairing barracks, barrack furniture, transportation of detachments, baggage, &c. expenses of Courts Martial, instruments of music, tools, postage, &c.....	22,000 00
Total, Dollars.....	227,521 26

Recapitulation of Estimate of Appropriations for 1820.

<i>Civil Department.</i>	Dollars.	Dollars.
Legislature	430,960 00	
Executive	30,000 00	
Department of State	57,310 00	
Provisional security of the Buildings occupied by the Departments of State and Treasury	2,568 00	
War Department	77,575 00	
Naval Department... ..	35,570 00	
Treasury Department	264,300 00	
Provisional security of the Buildings occupied by the Departments of War and Navy	2,268 00	
General Post Office	36,360 00	
Surveying Department.....	15,300 00	
Commissioner of the Public Buildings in Washington	2,000 00	
Officers of the Mint	9,600 00	
Mint Establishment	17,150 00	
Governments in the Territories of The United States.....	24,522 29	
Claims unprovided for	2,000 00	
Judiciary	92,350 00	
		1,099,833 29
Submissions		18,100 00

Miscellaneous.

	Dollars.	Dollars.
Annuities and Grants	1,690 00	
Marine Hospital Establishment	100,319 35	
Road from Cumberland to the Ohio	100,000 00	
Surveys of Public Lands	160,000 00	
Trading Houses with the Indians..	450 00	
Prisoners of War	11,828 81	
Fourth Census	200,000 00	
Florida Claims	22,141 03	
Public Buildings in Washington	222,190 37	
Light House Establishment	120,863 32	
Payment of outstanding Debentures	20,000 00	
Miscellaneous Claims	6,000 00	
Payment to John Trumbull for Paintings...	6,000 00	
	<hr/>	971,482 88

Intercourse with Foreign Nations.

Diplomatic Department	105,500 00	
Contingent expences of Foreign Intercourse	50,000 00	
Barbary Intercourse	42,000 00	
Boundaries	51,777 76	
Agents for Claims and Seamen.....	4,000 00	
Relief of Seamen	80,000 00	
	<hr/>	333,277 76

Military Establishment.

Pay of the Army	1,274,784 00	
Subsistence	822,048 20	
Forage	26,496 00	
Clothing.....	449,716 00	
Bounties and Premiums	183,925 00	
Medical and Hospital Department	42,145 76	
Quarter Master's Department	526,500 00	
Contingencies of the Army	40,000 00	
Payment of retained Bounty.....	15,000 00	
	<hr/>	3,380,614 96
Military Academy at West Point, includ- ing arrearages	52,251 04	
Fortifications.....	1,500,000 00	
Ordnance Department	891,720 00	
Balances due to certain States, including arrearages	560,000 00	
	<hr/>	3,003,971 04

	Dollars.	Dollars.
Military Pensions	426,845 03	
Revolutionary Pensions	3,066,400 00	
Half-pay Pensions to Widows and Orphans	100,000 00	
	<hr/>	3,593,245 03
Indian Department, including arrearages.....		315,000 00

Naval Establishment.

Pay and subsistence of Officers, and Pay of		
Seamen	989,320 00	
Provisions	415,187 50	
Hospital Stores	36,000 00	
Repairs of Vessels.....	484,000 00	
Improvement of Navy Yards, &c.....	150,000 00	
Ordnance, Military Stores, &c.....	100,000 00	
Contingent expenses.....	300,000 00	
	<hr/>	2,474,507 50

Marine Corps.

Pay of Officers and Men	95,760 00	
Subsistence	81,468 00	
Clothing.....	27,205 76	
Military Stores	1,087 50	
Contingent Account.....	22,000 00	
	<hr/>	227,521 26

Total amount of Estimate Dollars 15,417,553 72

Recapitulation of Submissions.

Clerks in the Second Comptroller's Office	2,800
Ditto Third Auditor's Office.....	8,400
Ditto Fourth Auditor's Office	1,400
Ditto Treasurer of The United States.....	1,200
Ditto Commissioners of the Navy Board.....	4,000
Assistant Messenger in the Secretary of the Navy's Office.....	300

Dollars..... 18,100

Treasury Department, Register's Office, 21st December, 1819.

JOSEPH NOURSE, *Register.*

*LETTER from the Secretary of War to Congress, relative to the Expedition to the mouth of the Yellow Stone River on the Missouri, and to the protection of the North Western Frontier.—29th December, 1819.**

SIR,

Department of War, 29th December, 1819.

IN reply to your Letter of the ———, requesting to be informed of the expenditures which have been, and which are likely to be, incurred in fitting out and prosecuting the Expedition ordered to the mouth of the Yellow Stone, on the Missouri River, and of the objects intended to be accomplished by the Expedition, I have the honor to make the following Statement :

The enclosed Report and Estimates from the Quarter-Master-General, with a statement of the duty performed, and that which is contemplated, exhibits the expense of the Expedition up the Missouri, for the last, and the next succeeding 3 Years, with a similar statement in relation to that on the Mississippi. Though the last is not referred to in your Letter, yet, as the 2 movements constitute a part of the same system of measures, I believed that it would not be unacceptable to the Committee to receive a Statement of the whole of the expenses incurred, or likely to be incurred, in its execution.

The Expedition ordered to the mouth of the Yellow Stone, or rather to the Mandan Village, (for the military occupation of the former depending on circumstances, is not yet finally determined on,) is a part of a system of measures, which has for its objects, the protection of our Northwestern Frontier, and the greater extension of our fur trade. It is on that Frontier only that we have much to fear from Indian hostilities. The Tribes to the Southwest are either so inconsiderable, or so surrounded by white Population, and, what is of not less importance, so cut off from intercourse with all Foreign Nations, that there are reasonable grounds to believe, that we shall, in future, be almost wholly exempt from Indian Warfare in that quarter. Very different is the condition of those on our Northwestern Border. They are open to the influence of a Foreign Power, and many of the most warlike and powerful Tribes, who, by the extension of our Settlements, are becoming our near neighbors, are yet very little acquainted with our power. To guard against their hostility, it has been thought proper to increase our Forces on that Frontier from 1 to 3 Regiments; and to occupy new Posts, better calculated to cut off all intercourse between the Indians residing on our Territory, and Foreign Traders or Posts; and to garrison them with a force sufficiently strong to overawe the neighboring Tribes. With this view, measures have been taken to establish strong Posts at the Council Bluff and the Mandan Village, on the Missouri; at the mouth of the St. Peter's, on the Mississippi; and the falls of St. Mary's, between Lakes Superior and Huron. The Posts at Green

* Appended to the Report of the Committee on Military Affairs, of 3d Jan. 1820.

Bay, Chicago, Rock Island, and Prairie du Chien, will still be continued. The Posts at the mouth of the St. Peter's, and at the Council Bluff, have already been occupied ; and that at the Mandan Village will probably be, the next summer. The position at the falls of St. Mary's has been reconnoitered, and it is intended to make preparation the next summer to occupy it. The occupation of these Posts with an adequate force, will, it is believed, by establishing over the various Tribes in that quarter the influence of our Government, and preventing or diminishing that of others, have the most beneficial effects. The position at the Council Bluff is a very important one, and the Post will consequently be rendered strong, and will be occupied by a sufficient garrison. It is about half way between St. Louis and the Mandan Village, and is at that point on the Missouri, which approaches the nearest to the Post at the mouth of the St. Peter's, with which, in the event of hostilities, it may co-operate. It is besides not more than 180 miles in advance of our Settlements on the Missouri, and is in the centre of the most powerful Tribes, and the most numerous Indian Population, west of the Mississippi. It is believed to be the best position on the Missouri, to cover our flourishing Settlements in that quarter, and ought, if it were wholly unconnected with other objects, to be established for that purpose alone.

The position at the Mandan Village has been selected for a Military Post, on account of the many advantages which it is supposed to possess. At that point, the Missouri approaches nearest to the Establishment of the Hudson Bay Company, on the Red River of the Lakes, near the mouth of the Assinaboin, and at the same point, it takes a direction to the south, which, in the event of hostilities, would render it more difficult, for any force which might be brought against it from the Possessions of our northern neighbors, to interrupt its communication with the Posts below. It is besides well situated to protect our traders, and to prevent those of the Hudson Bay Company from extending their trade towards the head waters of the Missouri, and along the rocky mountains, within our limits, which Tract of Country is said to abound more in fur, and of a better quality, than any other portion of this Continent. The Post at the mouth of the St. Peter's is at the head of navigation on the Mississippi, and, in addition to its commanding position, in relation to the Indians, it possesses great advantages, either to protect our trade, or prevent that of Foreigners. The Post contemplated at the falls of St. Mary's will, it is believed, be of very great importance. The position, as has been stated, has been reconnoitered, and it is found that the communication between the 2 lakes can be commanded from our side, as the channel passes close under the western shore. The Post may be established and maintained at very little additional expense. When these Posts are all established and occupied, it is believed, with judicious conduct on the part of our Officers, that our Northwestern Frontier will be rendered much more secure

than heretofore, and that the most valuable Fur Trade in the World will be thrown into our hands.

Trade and presents, accompanied by Talks calculated for the purpose, are among the most powerful means to control the action of Savages; and so long as they are wielded by a Foreign hand, our frontier must ever be exposed to the calamity of Indian Warfare. By the Treaty of 1794,* Great Britain obtained the right of trade and intercourse with the Indians residing on our Territory; which gave her nearly a monopoly of the Trade with the various Tribes of the Lakes, the Mississippi, and Missouri, and a decided control over all of their measures. The effects of this ascendancy over them must be remembered and lamented, so long as the history of the late War shall be perused. The most distressing occurrences, and the greatest disasters of that period, may be distinctly traced to it. This right of intercourse and trade with the Indians, which has proved to us so pernicious, terminated in the War and was not reserved by the Treaty at Ghent; and, in the Year 1816, Congress passed a Law, which authorised the President to prohibit Foreigners from trading with the Indians residing within our limits, and instructions have been given, under the Act, to prevent such trade; but it is obvious that the Act and instructions to Indian Agents can have but little efficacy to remedy the evil. Without a Military Force, properly distributed, the trade would still be continued, and even if it were prevented, that which is more pernicious would still remain;—Indian Talks at the British Posts, accompanied with a profuse distribution of presents.

This intercourse is the great source of danger to our peace; and, until that is stopped, our Frontier cannot be safe. It is estimated that upwards of 3,000 Indians, from our side of the Lakes, visited Malden and Drummond's Island, the last Year; and that, at the latter place alone, presents were distributed to them to the amount of 95,000 dollars. It is desirable that this intercourse should terminate by the act of the British Government; and it is believed that it has been continued by its Agents in Canada, rather in consequence of the practice before the late War, under the Treaty of 1794, than by the direct sanction

* *Extract of the Treaty of Amity, Commerce, and Navigation, between Great Britain and The United States.*—London, 19th November, 1794.

ART. III. It is agreed, that it shall at all times be free to His Majesty's Subjects, and to the Citizens of The United States, and also to the Indians dwelling on either side of the said Boundary Line, freely to pass and repass by land or inland Navigation, into the respective Territories and Countries of the two Parties on the Continent of America, (the Country within the limits of the Hudson's Bay Company only excepted,) and to navigate all the Lakes, Rivers, and Waters thereof, and freely to carry on Trade and Commerce with each other.

and authority of that Government. Its attention has, however, been called to it through the proper Department ; and, as it is wholly inconsistent with the friendly relations between the 2 Countries, it is hoped that it will not be permitted in future. The occupation of the contemplated Posts will, in the mean time, put in our hand the power to correct the evil. The Posts on the Lakes will enable the Government, not only to check effectually all trade with Foreigners in that quarter, but also to restrain the Indians from passing our limits. On that side, the remedy will be complete. On the Mississippi and the Missouri, the Posts at the St. Peter's and Mandan Village, are well selected for the same purpose. From the Lake of the Woods, westwardly, the 49th parallel of latitude is the Boundary established by the late Convention* between The United States and the British Possessions. The Hudson Bay and the North West Companies have several Posts and Trading Establishments, which are believed to be much to the south of this Line, and, consequently, within our Territory. When the Boundary is ascertained and marked, the policy of the Act of the 29th April, 1816, already referred to, may, by means of those Posts, be effectually enforced ; and in that quarter, as well as on the side of the Lakes, we will have the power to exclude Foreigners from trade and intercourse with the Indians residing within our limits. The facility of communication, by the Mississippi and Missouri, with our Posts on those Rivers, is so much greater than that between Hudson Bay or Montreal, (particularly without passing through our Territory,) and the British Posts north of ours, that our ascendancy over the Indians of those Rivers, both as to trade and power, ought, with judicious measures on our part, to be complete.

I deem it my duty respectfully to suggest to the Committee, as it is intimately connected with the subject of the present inquiry, that the present system of Indian trade is defective ; and that, besides endangering the peace of our Country, it cannot meet, on equal terms, the well organized trading associations of our northern neighbors. I will, however, forbear from presenting any additional observations on this point, as the Report which I had the honor to make to the House of Representatives on the 5th December, 1818, contains my views in relation to it.

The ultimate success of the contemplated measures must, necessarily, depend very much on the manner in which they are executed. With this impression, great care has been taken to select Officers every way well calculated to effect the objects of Government. Strict orders have also been given to use every effort to preserve Peace with the Indians, and impress them favorably with our character ; and it affords me much pleasure to state to the Committee, that the conduct of Colonel Atkinson (who has received every aid, in the Indian Department, from Major O'Fallon, the Agent,) and Colonel Leavenworth,

* See Commercial Treaties, Vol. 2. Page 393.

the former of whom commands the Troops on the Missouri, and the latter those on the Mississippi, as well as that of their Officers and Men, has been very satisfactory, and has fully justified the confidence reposed in them. There is every reason to expect that, under their judicious conduct, the posts will be established and maintained, without exciting the hostility or jealousy of the Indians.

I have the honor to be, &c.

J. C. CALHOUN.

Honorable A. Smith, Chairman of the Committee on Military Affairs.

*(Enclosure.)—The Quarter-Master General to the Secretary of War.
Quarter-Master General's Office,*

SIR,

28th December, 1819.

IN obedience to your order, requiring a statement of the expense incurred by the movements on the Missouri, and an estimate of the sums which will be required for the ensuing 3 years, I have the honor to report, that several of the accounts connected with those movements have not yet been received, particularly that of Colonel James Johnson, who was employed as a transporter of troops, provisions, and stores. But, on the most liberal estimate, I am convinced that the whole expense of the movement for the present year, including all the supplies furnished by the Quarter-Master's Department, cannot exceed 163,000 dollars. From that sum should be deducted the expense which would have accrued had the Troops remained at their former stations, as well as the entire value of the barges, bateaux, and other means of transportation (the property of the Government) attached to the Expedition; and the remainder will be the amount of expense actually incurred. As the Establishments on the Mississippi are included in the plan of defence for the Western Frontier, it is thought that a statement of the movements made, of the works established, and of the expense incurred, might not be unsatisfactory.

By a reference to the accompanying Statements, it will be seen that the expenses of the Establishments, both on the Missouri and the Mississippi, will diminish every year. Those Statements are predicated upon arrangements already made for the supply of a part of the provisions, all the forage, fuel, and quarters, and after the next year, the greater part of the transportation, by the Troops, and at but trifling expense to the public.

No. 1 shows the movements made, and the Works established, by the Troops on both Rivers.

No. 2 is a Statement of the *expense incurred by the movement on the Missouri*, and an *Estimate* of the probable expense for the ensuing 3 years. You will perceive that the 2 Regiments have cost 64,226 dollars more than they would have cost had they remained at their original stations. With that additional expense, one of the Regiments

has been moved nearly 3,000 miles; barracks have been erected for 1,000 Men, and an important work has been established, which will enable us to hold in check 5 *Powerful and Warlike Nations of Indians*.

No. 3 is a Statement of the expense incurred in making the Establishment on the Mississippi, with an Estimate of the amount required for the next 3 years. The Troops on that River have cost less than they would have cost at their former stations, in consequence of their having provided boats, fuel, quarters, &c. without expense to the Government. The greater part of the transportation on the Mississippi will be done, in future, by the Troops, by which a considerable sum will be saved.

No. 4 is a Statement of the Works on which it is proposed that the Troops be employed. It is believed that those Works may be accomplished in less than 3 years; they will be important in any plan of defence, particularly the roads, and the avenue formed by the Fox and Ouisconsin Rivers, which will be necessary to afford a communication between the several Frontier Posts, and between those Posts and our Settlements.

I have the honor to be, &c.

TH. S. JESUP.

The Honorable J. C. Calhoun, Secretary of War.

Summary of the movements which will be made by the Troops composing the Missouri and Mississippi Expeditions, in the course of the ensuing season, and the manner in which it is proposed to employ them.

It is proposed to move the Rifle Regiment from the Council Bluffs to the Mandan Villages, and to erect Barracks there, properly defended, for 500 Men.

To remove some of the principal obstructions to the navigation of the Missouri River, such as planters, sawyers, and rafts: this work may be accomplished by the Troops on the Missouri, in the course of 3 winters.

To open a road from Chariton, in Missouri Territory, to the Council Bluffs, and thence to the Mandan Villages.

To open a road from the Council Bluffs to the post at the mouth of Saint Peter's, on the Mississippi.

To improve the navigation of the Ouisconsin and Fox Rivers, and connect them by a canal, or good road, in order to facilitate the communication between Fort Howard, at Green Bay, and Prairie du Chien, on the Mississippi: those Rivers are navigable for bateaux, within 1 mile of each other.

Abstract Return of the Army of The United States, by Regiments and Corps, and by Posts.—30th November, 1819.

Strength of the Army of The United States by Regiments and Corps; taken from the last Returns on File in this Office.

REGIMENTS AND CORPS.	Com- mis- sioned Officers.	Non- Com- mis- sioned Officers and Privates.	Ag- gregate.	REMARKS.
NORTH DIVISION.				HEAD QUARTERS.
General Staff - - -	42	—	42	Brownville, New York -
Regiment of Light Artillery -	41	585	626	Boston, Massachusetts -
First Battalion Corps of Artillery	19	380	399	Baltimore, Maryland -
Second ditto ditto -	18	401	419	Fort Constitution, Portsmouth, New Hampshire
Third ditto ditto -	19	350	369	Fort McHenry, Baltimore, Maryland.
Fourth ditto ditto -	13	276	289	New York Harbor. No Return of Stockton's Company—not included in aggregate.
Second Regiment of Infantry -	35	675	710	Sackett's Harbor, New York.
Third Regiment of Infantry -	32	377	409	Fort Howard, Green Bay.
Fifth Regiment of Infantry -	33	381	414	Prairie du Chien, Missouri.
Total -	252	3,425	3,677	
SOUTH DIVISION.				HEAD QUARTERS.
General Staff - - -	54	—	54	Nashville, Tennessee.
First Battalion Corps of Artillery	22	216	238	Charleston Harbor, South Ca- rolina.
Second ditto ditto -	23	237	260	Norfolk, Virginia.
Third ditto ditto -	18	336	354	New Orleans, Louisiana.
Fourth ditto ditto -	19	235	254	Huntsville, Alabama Territory.
First Regiment of Infantry -	33	344	377	Baton Rouge, Louisiana.
Fourth ditto ditto -	37	532	569	Montpelier.
Sixth ditto ditto -	34	460	494	On Missouri River.
Seventh ditto ditto -	34	199	233	Fort Scott, Alabama.
Eighth ditto ditto -	20	400	420	Near New Orleans.
Rifle Regiment - - -	24	608	632	On the Missouri River.
Military Convicts - - -	—	107	107	Near New Orleans.
Total -	316	3,676	3,992	
Aggregate by Regiments and } Battalions - - - }	568	7,101	7,669	
Engineer Department - - -	18	102	120	} Academic Staff and Cadets, } not included.
Ordnance Department - - -	41	354	395	
Army Aggregate - - -	627	7,557	8,184	

NOTE.—Although the Recruiting Service has generally been successful, this Return exhibits an aggregate of several hundreds less than those of preceding Quarters. This may be explained by the following considerations: the terms of the last of the war men, many of whom were enlisted in 1814, expire about this time; to which must be added the unusual number of desertions—(from one Regiment they have exceeded 100 men in 6 months.) To balance this, however, there are more than 600 Recruits on their march to join, which, together with Detachments not included in the monthly Returns made at the Head Quarters of Regiments and Corps, and the Recruits at different Rendezvous, will, it is believed, make the aggregate of the Army 9,000 at the close of this Year.

D. PARKER, Adjutant and Inspector General.

Distribution of the Army of The United States, shewing the Strength of Posts and Garrisons. DIVISION OF THE NORTH, Major General Brown Commanding.

FORTIFICATIONS, &c.	COMMANDING OFFICERS.	REGIMENTS AND CORPS.	AG- GRE- GATE.	WHERE SITUATED, &c.
<i>Department No. 1.</i>				
Plattsburgh -	Lieut. Colonel Pinkney	3 Comps. 2d Infantry -	252	New York.
Sackett's Harbor -	Colonel Brady -	2d Infantry, 6 Comps. -	381	New York.
Fort Pike -	Captain Helleman -	1 Comp. 1st Bat. Art. -	118	New York.
Fort Niagara -	Lieutenant Loud -	1 Ditto ditto -	95	Niagara, New York.
Greenbush -	Major Worth -	2d Infantry, 1 Comp. -	77	New York.
Arsenal -	Captain Welsh -	Detachment Ordnance	17	Rome, New York.
Arsenal -	Major Dalaby -	Detachment Ordnance	68	Watervliet, New York.
Aggregate of Dept. No. 1			1,008	
<i>Department No. 2.</i>				
Fort Sullivan -	Lieutenant Brent -	Detachment 2d Bat. Art.	25	East Port Passamaquoddy, Maine.
Fort Preble -	Major Crane -	1 Company ditto	103	Portland Harbor, Maine.
Fort Scammell -	Lieut. Colonel Walback	2 Companies ditto	199	{ Kittery, Maine, and Portsmouth, New Hampshire.
Fort McClary -	Captain Leonard -	1 Company Light Art.	56	Marblehead, Massachusetts.
Fort Constitution -	Lieut. Colonel Eustis -	5 Companies Light Art.	360	Boston Harbor, Massachusetts.
Fort Sewall -	Captain Talcott -	Detachment Ordnance	55	{ Charlestown and Watertown, Massachusetts.
Fort Independence -				
Fort Warren -				
Arsenals -				
Fort Wolcott -				
Fort Adams -				
Fort Green -	Captain Eastman -	2 Companies Light Art.	106	Newport Harbor, Rhode Island.
Battery at the Dumplings -				
Fort Hamilton -				
Fort Griswold -	Captain Mc Dowall -	1 Company Light Art.	82	New London, Connecticut.
Fort Trumbull -				
Aggregate of Dept. No. 2			986	
<i>Department No. 3.</i>				
Fort Columbus -				
Castle Williams -				
Fort Lewis -				
Fort Wood -	Lieut. Colonel House -	{ 3 Companies 4th Bat. } & 1st Company 2nd Battalion Artillery	413	New York Harbor, New York.
Fort Gibson -				
Castle Clinton -				
Humbert Battery -				
Fort Gansevoort -				
Arsenal -	Captain Hayden -	Detachment Ordnance	24	New York City, New York.
Post -	Major Thayer -	1 Comp. Bombardiers &c.	110	West Point, New York.
Aggregate of Dept. No. 3.			547	
<i>Department No. 4.</i>				
Fort Mifflin -	Captain Mountfort -	1 Company 3d Bat. Art.	78	Delaware River, Pennsylvania.
Arsenal -	Captain Rees -	Detachment Ordnance	30	{ On the Schuylkill and Frank- ford Creek, Pennsylvania.
Arsenal -	Major Wolley -	Detachment Ordnance	63	Pittsburgh, Pennsylvania.
Fort McHenry -	Colonel Hindman -	1 Company 3d Bat. Art.	105	Near Baltimore, Maryland.
Arsenal -	Lieutenant Baden -	Detachment Ordnance	31	Near Baltimore, Maryland.
Fort Madison -	Lieutenant Andrews -	1 Company 3d Bat. Art.	107	Annapolis, Maryland.
Fort Severn -	Lieutenant Ansart -	1 Ditto ditto -	80	On the Potomac, near Alexandria.
Fort Washington -				
Aggregate of Dept. No. 4			494	
<i>Department No. 5.</i>				
Detroit -	Major Chunn -	{ 1 Comp. 1st Bat. Art. } & 2d Comp. 3d Inf }	204	Michigan Territory.
Machinac -	Lieut. Colonel Lawrence	{ Corps Art. 1 Bat. & } 3rd Infantry -	208	
Fort Howard -	Colonel Smith -	3d Infantry, 4 Comps.	158	Green Bay.
Fort Dearborn -	Captain Baker -	3d Infantry, 2 Comps.	84	Chicago.
Prairie du Chien -				
Mouth of River -	Lieut. Col. Leavenworth	5th Regiment of Infy.	414	Rock River.
St. Peters -				
Fort Armstrong -				
Aggregate of Dept. No. 5			1,068	
Strength of North Division			4,083	

Distribution of the Army of The United States, shewing the strength by Posts and Garrisons. DIVISION OF THE SOUTH, commanded by Major General Jackson.

FORTIFICATIONS, &c.	COMMANDING OFFICERS.	REGIMENTS AND CORPS.	AG-GRE-GATE.	WHERE SITUATED, &c.
Department No. 6.				
Arsenal -	Captain Nelson -	Detachment Ordnance -	42	Greenleaf's Point, Wash- ington City.
Fort Nelson -	Lieut.-Col. McRea -	{ Corps Artillery, 2d Batt. }	98	Norfolk, Virginia.
Fort Norfolk -	Captain Lomax -	{ Head Quarters - }	59	Norfolk, Virginia.
Craney Island -	Lieut. Harrison -	{ 1 Company Corps of Art. }	50	Norfolk, Virginia.
Arsenal -	Lieutenant Hills -	{ 2d Battalion - }	43	Richmond, Virginia.
Fort Johnson -	Lieutenant Galt -	{ 1 Company Corps of Ar- tillery, 2d Battalion }	58	Smithville, North Carolina.
Aggregate of Department No. 6			345	
Department No. 7.				
Fort Johnston } Castle Pinkney } Fort Moultrie } Fort Mechemic }	Major Bankhead -	{ 2 Companies 1st Batt. }	157	Charleston Harbor, South Carolina.
Arsenal -	Captain Margart -	Ordnance - - - -	1	Charleston, South Carolina, no enlisted men.
Fort Jackson -	- - - -	7th Infantry - - - -	7	Savannah, Georgia.
Fernandina -	Captain Payne -	Detachment 1st Batt. Art. -	44	Amelia Island.
Cantonment -	Major Burd -	ditto 4th & 7th Infantry	362	Trader's Hill, Georgia.
Aggregate of Department No. 7			571	
Department No. 8.				
Fort Montgomery	Capt. Montgomery	7th Infantry - - - -	14	Between Alabama River and Bear Creek, A. T.
Fort Gaines -	Lieutenant Branch	7th ditto - - - -	15	60 miles N.W. from Fort Scott
Fort Scott -	Captain Clinch -	7th ditto - - - -	149	On Flint River, Georgia
Fort Gadsden	Major Fanning -	4th Batt. Art. 2 Companies -	155	East side of Appalachian River
Fort St. Marks	- - - -	7th Infantry, late 4th Inf. -	31	Mouth of St. Mark's River, E. F.
Camps Gibson & } Young - - - }	Major McIntosh -	{ 8th Infantry, and 1 Com. }	479	North and south end mili- tary road.
Montpelier -	Major Dinkins -	4th Infantry - - - -	169	
Fort Crawford	Captain Melvin -	4th Infantry - - - -	39	Mouth of the Escambia.
Fort Charlotte	- - - -	1 Comp. 3d Batt. Corps Art.	84	Mobile, Alabama Territory.
Fort St. Philip	Major Humphreys -	ditto ditto ditto	103	
Fort St. John	- - - -	ditto ditto ditto	79	
Depot -	Lieut. Symington -	Detachment Ordnance -	8	Near New Orleans.
Ripley Barracks	Major Swett -	1 Company 3d Batt. Art. -	84	ditto ditto.
New Orleans	Major Many -	Head Quarters, 3d Batt. Art.	4	Louisiana Territory.
Baton Rouge	Captain Chotard -	1st Infantry - - - -	212	ditto ditto.
Red River	Captain Coombs -	1st ditto - - - -	56	
Camp Sabine	Lieutenant Spencer	Detachment 1st Infantry	105	Sabine River.
		Military Convicts -	107	Near New Orleans.
Aggregate of Department No. 8			1,893	
Department No. 9.				
Arsenal -	Lieutenant Ward -	Detachment Ordnance -	7	New Port, Kentucky.
Camp on the } Missouri - }	Colonel Atkinson -	{ 6th Regiment Infantry, }	1,120	On the Missouri River.
		{ and Rifle Regiment - }		
Aggregate of Department No. 9			1,127	
Strength of South Division -			3,936	

RECAPITULATION:

Strength of North Division -	-	-	4,083	} BY POSTS.
Strength of South Division -	-	-	3,936	
Aggregate of the Army -	-	-	8,019	

Adjutant and Inspector General's Office, 30th November, 1819.

Taken from the last Returns on File in this Office.

D. PARKER, Adjutant and Inspector General.

CONVENTION entre les Pays-Bas et la Sardaigne, concernant l'abolition du Droit d'Aubaine.—Signée le 1er Janvier, 1820.

Nous Guillaume, par la grâce de Dieu, Roi des Pays-Bas, Prince d'Orange Nassau, Grand Duc de Luxembourg, etc. etc. etc.

Sur la Proposition de Notre Ministre des Affaires Etrangères, du 1 de ce mois;

Avons trouvé bon et entendu de statuer, que la Convention conclue le 1 Janvier, 1820, entre les Royaumes des Pays Bas et de Sardaigne, à l'égard d'une abolition réciproque du droit d'Aubaine sera insérée au Journal Officiel.

Et sera le présent Arrêté inséré également au Journal Officiel, et communiqué à notre Ministre susdit, pour information.

Donné à La Haye, le 5 Février, 1822, et de notre Règne le 9^e.

Par le Roi :

GUILLAUME.

J. G. DE MEY DE STREEFKERK.

Convention conclue entre les Royaumes des Pays Bas et de Sardaigne, à l'égard d'une abolition réciproque du Droit d'Aubaine.—Signée le 1 Janvier, 1820.

ART. I. Le droit d'Aubaine est réciproquement aboli entre les Etats de Sa Majesté le Roi des Pays-Bas, y compris le Grand Duché de Luxembourg, et ceux de Sa Majesté le Roi de Sardaigne.

En conséquence les Sujets de l'une des deux Puissances Contractantes seront exempts dudit droit pour toutes les successions et pour tous les legs, qui pourront leur appartenir dans les Etats de l'autre.

II. La même exemption de tout Droit d'Aubaine sera accordée aux Sujets de Sa Majesté le Roi des Pays Bas, Grand Duc de Luxembourg, qui établiront leur domicile dans le Royaume de Sardaigne, et à ceux de Sa Majesté le Roi de Sardaigne, qui établiront leur domicile dans le Royaume des Pays Bas, et dans le Grand Duché de Luxembourg, par rapport aux biens, meubles et immeubles, qui appartiendront aux Sujets de l'une des deux Puissances Contractantes dans les Etats de l'autre.

III. Cette exemption est bornée au seul droit d'Aubaine, et ne s'étendra pas aux impositions auxquelles les Sujets des deux Puissances se trouvent ou se trouveront soumis, par l'effet de leurs propres Lois, et auxquelles les Sujets de Sa Majesté le Roi des Pays Bas sont ou seront particulièrement assujettis, tels que le droit de succession et autres.

Le Ministre des Affaires Etrangères déclare que la présente Convention a été ratifiée par le Gouvernement des Pays Bas, le 24 Janvier, 1820, et par celui de Sardaigne, le 20 Octobre, 1821.

A. W. C. DE NAGELL.

**LETTER from the Secretary of the Treasury to Congress,
transmitting the Annual Statement of the District Tonnage
of The United States, on the 31st December, 1818.**

SIR, *Treasury Department, 30th December, 1819.*

I HAVE the honor to transmit the Annual Statement of the District Tonnage of The United States, on the 31st December, 1818; together with an explanatory Letter of the Register of the Treasury.

I have the honor to be, &c.

WM. H. CRAWFORD.

The Honorable the Speaker of the House of Representatives.

*Treasury Department, Register's Office,
30th December, 1819.*

SIR,

I HAVE the honor to transmit the Annual Statement to the 31st December, 1818, of the District Tonnage of The United States.

The Registered Tonnage, as corrected at this Office,	Tons.	95 ^{ths}
for the Year 1818, is stated at	606,088	64
The enrolled and licensed Tonnage is stated at	549,374	02
The Fishing Vessels at	69,721	49

Amounting to	1,225,184	20
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The Tonnage on which Duties were collected during the Year 1818, amounted as follows:

Registered Tonnage, paying Duty on each voyage...	859,782	61
Enrolled and licensed Tonnage employed in the Coasting Trade, an annual Duty	482,633	23
Fishing Vessels the same	61,452	92

	1,403,868	81
--	-----------	----

Duties were also paid on Tonnage owned

by Citizens of The United States, engaged in Foreign Trade, not registered	13,063	64
Ditto, Coasting Trade	1,719	24

	14,782	88
--	--------	----

Total amount of Tonnage on which Duties were collected

	1,418,651	74
--	-----------	----

The registered Tonnage being corrected for the Year 1818, by recent Correspondences with the Collectors of the several Districts, according to the mode prescribed for their government, as stated in the Communication made to Congress the 27th of February, 1802, may be considered nearly the true amount of

that description of Tonnage	606,088	64
The enrolled and licensed Tonnage is stated at the amount upon which the annual Duty was collected in 1818, on that description of Tonnage, and may be considered as nearly the true amount	482,633	23
Fishing Vessels the same	61,452	92

The District Tonnage of The United States is stated at	1,150,174	84
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Of the Registered Tonnage, amounting as before stated, to 606,088 64 Tons, there was employed in the Whale Fishery	16,134	77
Enrolled and Licensed Tonnage also in the Whale Fishery	614	63
Amounting to.....Tons...	16,749	45

I beg leave to subjoin a Statement (marked A) of the Tonnage for the Year 1818, compared with the amount thereof, as exhibited in the preceding Annual Statement for 1817; with notes in relation to the decrease of the registered, and increase of the enrolled Tonnage, respectively, in 1818.

By this Statement, it appears that the total amount of new Vessels built in the several Districts of The United States, during the Year 1818, was

Registered Tonnage	42,137	05
Enrolled do.	40,284	15

Total amount of new Vessels.....Tons	82,421	20
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I have the honor to be, &c.

JOSEPH NOURSE, *Register.*

Hon. W. H. Crawford, Secretary of the Treasury.

Dr.

Dr.

		Registered Tonnage.	Enrolled Tonnage.	Licensed Tonnage.	Aggregate Tonnage.
1818.	To balance, as appears by general Statement of tonnage on this day	606,088	562,306	56,788	1,225,184
Dec. 31.	To amount of tonnage sold to Foreigners, as per Collectors' Returns for 1818	15,027	79	—	15,107
	To amount of tonnage lost at sea, as per Collectors' Returns for 1818	27,372	4,023	—	31,396
	To amount of tonnage captured during the late War, as per Collectors' Returns for 1818	12,266	200	—	12,466
	To amount of tonnage condemned as unseaworthy, as per Collectors' Returns for 1818	9,547	1,174	—	10,722
	To this difference in the registered tonnage, which arises from corrections made in the balance of outstanding tonnage, such Vessels as are presumed to have been sold to Foreigners, lost at sea, captured, &c. in previous Years, and not heretofore credited	181,559	8,297	—	181,558
	To this difference, which arises from the transfers of enrolled Vessels to the account of registered Tonnage	—	—	—	8,297
	Tons and 95ths	851,861	576,082	56,788	1,484,732
1817.					
Dec. 31.	By balance, as per Statement rendered for the year 1817	809,724	535,798	54,388	1,399,911
1818.	By amount of registered and enrolled Tonnage built during the year 1818	42,137	40,284	—	82,421
Dec. 31.	By this difference being an increase of the licensed Tonnage under 20 tons	—	—	2,400	2,400
	Tons and 95ths	851,861	576,082	56,788	1,484,732

Cr.

NOTE.—The Decrease of the Registered Tonnage for the Year 1818, is shewn as follows:

REGISTERED VESSELS.					Registered Tonnage.
	Ships	Brigs	Schrs.	Sloops.	Tons. 95ths
There were sold to Foreigners, as per Collectors' Returns for the year 1818	15	14	62	4	15,027 25
There were lost at sea, as per ditto	33	60	70	10	27,372 72
There were captured, during the late war ditto	17	26	20	2	12,266 58
There were condemned as unseaworthy ditto	18	15	13	1	9,547 55
Amount sold to Foreigners, lost at sea, captured, and condemned as unseaworthy, in previous years, not heretofore credited	—	—	—	—	181,558 86
There were built during the Year 1818	83	115	165	17	245,773 11
Difference against the increased registered Tonnage, is	50	75	87	13	42,137 05
	—	—	—	—	203,636 06
Amount of decreased registered Tonnage, brought down	50	75	87	13	245,773 11
	—	—	—	—	203,636 06
The real decrease, brought over	—	—	—	—	168,880 31
Difference in the enrolled Tonnage above, brought down	—	—	—	—	8,297 13
	—	—	—	—	177,127 44
	Tons and 95ths				

NOTE.—The Increase of the Enrolled Tonnage for the Year 1818, is shown as follows :

	Enrolled Vessels.				Enrolled Tonnage.
	Ships.	Brigs.	Schrs.	Sloops.	
There were built during the Year 1818	3	10	341	319	40,284 15
	3	10	341	319	40,284 15
There were sold to Foreigners, as per Collectors' Returns for the year 1818	—	—	1	—	79 81
There were lost at sea.	—	3	30	29	4,023 73
There were captured during the late war, ditto	—	—	2	1	200 31
There were condemned as unseaworthy, ditto	—	—	13	13	1,174 45
Difference in favor of the increased enrolled Tonnage, is	3	7	295	276	34,805 70
	3	10	341	319	40,284 15
Amount of increased enrolled Tonnage, brought down	—	—	—	—	34,805 70
Amount of decrease against the registered Tonnage, is	—	—	—	—	168,880 31
					203,636 06
The difference in the licensed Tonnage under 20 tons, above, brought down					2,400 23
The real and nominal decrease, as compared with 1817, appears to be					17,472 21
Tons and 96ths					177,127 44

The difference in the licensed Tonnage under 20 tons, above, brought down
The real and nominal decrease, as compared with 1817, appears to be -
Tons and 95ths -

Recapitulation of the Tonnage of The United States for the Year 1818.

	Tons. 95ths.	Tons. 95ths.	Tons. 95ths.
The aggregate amount of the Tonnage of The United States on the 31st December, 1818, is stated at - - -	- - -	- - -	1,225,184 20
Whereof,			
Permanent registered Tonnage - - - - -	536,968 74		
Temporary ditto - - - - -	69,119 85		
TOTAL REGISTERED TONNAGE - - - - -	- - -	606,088 64	
Permanent enrolled and licensed Tonnage - - -	546,352 90		
Temporary ditto - - - - -	15,953 82		
TOTAL ENROLLED AND LICENSED TONNAGE - - -	- - -	*562,306 77	
Licensed Vessels under 20 tons employed in the Coasting Trade - - - - -	46,233 60		
Licensed Vessels under 20 tons employed in the Cod Fishery - - - - -	10,555 09		
TOTAL LICENSED TONNAGE UNDER 20 TONS - - -	- - -	56,788 69	
As above - - - - -	- - -	- - -	1,225,184 20
* Of the enrolled and licensed tonnage, there was employed in the Coasting Trade	503,140 37		
Whale Fishery	614 63		
Cod fishery - - - - -	58,551 72		
As above - - - - -	- - -	562,306 77	

Treasury Department, Register's Office, 30th December, 1819.

JOSEPH NOURSE, *Register.*

DECREE of the King of Spain, for the Organization of the Council of State.—Madrid, 3d March, 1820.

(Translation.)

FROM the time when Divine Providence, (taking under its protection the heroic efforts by which the great Nation committed to my paternal care has astonished the World,) restored to me the Throne of the Spains, my heart, always anxious for the welfare of my People, has been endeavouring to discover the means by which to re-establish order and regularity in every Branch of the public Administration, and to heal the wounds which a disastrous and unexampled War has inflicted on the Political Body of the State, and which still remain unclosed; but, unfortunately, the present circumstances of Europe;—the attention required by our distant Colonies, and by our rich and extensive Possessions in the New World, a part of the Spanish Monarchy as precious as it is integral;—the difficulty of remedying inveterate abuses, and of repressing dangerous and premature innovations, some of which, although dictated by a laudable zeal, have fomented party spirit, the origin of the greatest evils in society;—and, lastly, occurrences which have retarded the execution of wise and well-digested resolutions;—have not, as yet, permitted my heart to enjoy the consolation which it has sought by so many sacrifices, and which it

always most earnestly desires. Convinced, moreover, that, however desirable partial and isolated regulations may be in themselves, they produce no beneficial results, I have meditated, and have for some time been preparing with indefatigable zeal, the establishment of a general, uniform, and regular, system, which, by combining all interests, and reconciling all hearts, (and which I hope to carry into execution by salutary and worthy means,) will be found to raise this great and powerful Nation to that height of splendour and glory to which it is destined. And although I cannot turn my eyes in any direction without encountering the miserable prospect of that unquiet and revolutionary spirit, which exists to the disgrace of all Europe, inspiring democratic and revolutionary ideas, and causing its terrible effects to be felt in all, even the most enlightened, Nations, obliging them to have recourse to strong measures in order to restrain its progress; I see with joy and satisfaction that, amongst the Spanish People, always loyal and constant, it has not entered, notwithstanding all its strength, and that the attempts of a few who have been seduced, and of others who have been unconsciously led astray, have been vain and ineffectual. The fidelity of my virtuous People, the sacrifices which, with so much love, and so often, have been made for my Royal Person, and above all, my own heart, which is affectionate and generous, excite and animate me to labour for their prosperity with renewed exertions. The better organization of the Army and Navy, which is imperiously and peremptorily required;—the regulation of the Royal Finances, which, on account of the unsettled state of affairs, are in disorder, notwithstanding the efforts made to prevent it;—and the putting a stop to abuses in the administration of the Royal Treasury, which does not, by a large sum, report what the People have contributed, nor what is necessary for the public business, in consequence of which heavy taxes have been imposed;—the delay which, notwithstanding the wisdom of the Laws and the integrity of the Magistrates, is experienced in the administration of Justice;—the depression which exists in, and the obstacles which oppose the progress of, agriculture, commerce, and industry, the 3 sources of public wealth;—all have engaged, and constantly continue to engage, my paternal attention. But with a view to attain the great object to which the good of my People and my love for them make me anxious to aspire, and to find a remedy for so many evils, (some of which it has not been in the power of the Government to avoid, and others of which have been caused by circumstances which no longer exist, whether they are to be considered as the effect of the generally disturbed state of affairs, or the result of base and headstrong passions,) calmness and repose is requisite, in order that prudence and wisdom may dictate the means conducive to that object,—care being at the same time taken to avoid the agitations by which, unfortunately, in other Countries, we have seen the enemies of order, by

fanatically raising expectations without having the means of fulfilling them, and by presenting the sacred name of the public interest in a false light, immoderate desires have been excited, as also that party spirit, of which at all times, and in all Countries, the People have been the unhappy victims. I have seen with joy and pleasure, that my People, warned by so terrible an example, and so miserable an end, are tranquil, affectionate, and obedient, and await with anxiety the benefits which their virtues deserve; and, being desirous of fulfilling to the utmost my paternal intentions, I have commanded, (in conformity with the advice of my August Brother the Infant Don Carlos, and of the Junta over which he presides, and agreeably to what you have already proposed,) that the Council of State shall immediately occupy itself, according to the object of its institution, in examining into the form in which it originally existed, and has since been held, and that it shall submit to me what it considers will, henceforward, be the best method for the despatch of those important affairs which are entrusted to its high functions; it being my will that hereafter the Council of State, being divided into auxiliary Sections for the Ministry, shall propose to me the reforms most conducive to the good of the Monarchy. And in order to constitute the said Sections, of which there shall be 7, viz. of State, Ecclesiastical Affairs, Legislature, Finance, War, Marine, and Industry, you shall propose to me, besides the worthy Persons who at present compose my Council of State, others distinguished in their respective careers, and who, meriting my confidence, enjoy at the same time the best opinion of the Public.

It is also my will that you inform the Departments which it concerns, that my Council of State and the other Supreme Tribunals, according to their respective attributes, shall consult and propose to me immediately, with the sacred liberty which they possess, all that they may consider conducive to the good of my People in both Hemispheres, and to the lustre and brilliancy of my Crown; taking into consideration the fundamental Laws of the Monarchy, and the alterations which time and various circumstances suggest for the benefit of the State, in order that, after having well examined them, they may submit to me what they think most beneficial; and that, upon receiving the necessary sanction, their measures may oppose a strong barrier to all attempts at disturbance, and at the same time produce the advantages to be derived from the beneficent and enlightened measures of a good Government. To this end, I not only command, as I have before stated, that the Supreme Tribunals consult together on all that they consider most conducive to the better governing of the Monarchy; but also that the Universities, Corporations, and even any private Individual, may transmit their opinions in writing, freely and unreservedly, to the said Council of State, in order that the minds of all may contribute to obtain the desired result. And you, of whose love for my Royal Person, and

interest for the public good, I am convinced by so many proofs, will give me an account, as my first Minister of State, of what my Council of State agree upon and propose for my Royal decision.

Palace, 3d March, 1820.

SIGNED BY THE ROYAL HAND.

THE DUKE OF SAN FERNANDO.

SPEECH of The King of Spain, on the Opening of the Cortes.—Madrid, 9th July, 1820.

GENTLEMEN DEPUTIES,

(Translation.)

THE day has at length arrived, so long the object of my anxious hope, in which I see myself surrounded by the Representatives of the heroic and generous Spanish Nation, and am enabled, by a solemn Oath, to identify the interests of myself and my family with those of my People.

When a multitude of evils produced the clear manifestation of the general sense of the Nation, (formerly obscured by lamentable circumstances, which ought now to be obliterated from our memory,) and determined me to embrace the system which my Subjects desired to see adopted, and to swear to the Political Constitution of the Monarchy, sanctioned by the General and Extraordinary Cortes in 1812;—from that period the Crown, as well as the People, recovered possession of their legitimate rights;—my resolution being as spontaneous and without constraint as it was conformable to my interests and to those of the Spanish People, whose happiness has never ceased to be the great object of my sincerest wishes. Thus, a new and indissoluble tie being formed between me and my Subjects,—all of whom I consider as my children,—the future offers to me the delightful prospect of a Reign of uninterrupted love, confidence, and prosperity.

With what satisfaction have I contemplated the grand spectacle,—unparalleled as yet in history,—of a great Nation, which has known how to pass from one political state to another without convulsion or violence,—subjecting its enthusiasm to the guidance of reason, and under circumstances which, in other less fortunate Countries, have usually been attended with mourning, lamentations, and tears! The general attention of Europe is now directed to the proceedings of the Congress which represents this privileged Nation; which expects, Gentlemen, indulgence for all that is passed, and provident precautions against future emergencies; which expects that, at the same time that you provide for the happiness of the present and succeeding generations, you will efface all recollection of the errors of former times; and which hopes that you will multiply instances of justice, beneficence, and magnanimity, the virtues which have always adorned the Spanish

character:—virtues which the Constitution itself recommends, and which, having been respected by the People, when in a state of the greatest agitation, ought now to be still more religiously practised by its Representatives, assembled in Congress, and invested with the solemn and august functions of Legislators.

It is now time to enter upon an examination of the state of the Nation, and maturely to consider the remedies to be applied to the many existing abuses, which have arisen, for the most part, from the errors of former ages, but have been augmented by the invasion of the Peninsula, and by the erroneous system which has since been pursued.

The Secretary of State for the Financial Department will lay before you a clear account of the state of the Public Revenue,—and detail to you the causes of its diminution and gradual falling off. It is for the wisdom of the Cortes to select amongst the resources which the Nation still possesses, those which may best enable it to meet the demands, and fulfil the obligations, of the State. The examination of this point will naturally lead to a due consideration of the necessity of establishing the Public Credit, on the firm basis of justice, good faith, and the scrupulous observance and fulfilment of all public engagements, by which the satisfaction of Creditors, and the confidence of Foreign and Native Capitalists will be secured, and the Treasury freed from all future embarrassment. In recommending most particularly to the Cortes the consideration of this important subject, I only comply with an obligation which my duty as King, and my love for my People, equally impose upon me.

The administration of Justice, without which no Society can exist, has hitherto been confided, almost exclusively, to the honour and probity of those to whom it was intrusted; but henceforward, directed entirely by fixed and known principles, it will be the safeguard of every Citizen. Great reforms may however be made in the present system, when our old Statute Books, carefully revised and corrected, shall have acquired that simplicity and perfection, which the enlightened spirit and experience of the age in which we live are so well calculated to give to them.

In the interior administration of the Government defects are to be found, which may be traced back to ancient Institutions, and inveterate prejudices; but the attention and perseverance of the Ministry, and the zeal with which its Agents, and, indeed, the Provincial Authorities in general, are endeavouring to promote the adoption of the simple and advantageous municipal system pointed out by the Constitution, are gradually overcoming all obstacles, and will, no doubt, in time, leave nothing to be desired in this important branch of internal polity, which must always have so great an influence on the welfare and prosperity of the Kingdom.

The Army and the Navy likewise demand my particular attention, and

it will be one of my first cares to make such arrangements with respect to them as may be most conformable to the present state of the Nation, endeavouring to combine, as much as possible, a regard for the interests of these two most respectable and deserving Bodies, with the attention which must be paid to the general economy. In this too, I hope to be supported by the public spirit and good will of the Nation, and to be assisted by the wise counsels of its Representatives, to whom I address myself with unbounded confidence.

It is to be hoped that the re-establishment of the Constitution, and the flattering prospects which this event opens to us for the future, will deprive evil-intentioned persons of every pretence for exciting further disturbances in the Provinces of Ultramar, and will prepare the way for the pacification of those which are now in a state of insurrection, and prevent, or at least delay, the necessity of having recourse to other means. The example too which European Spain has given of moderation, and a love of order,—the natural desire to form a part of so great and generous a Nation,—the sage Laws which will soon be promulgated in conformity with the Constitution;—all will contribute to make them forget the past, and unite with their European Brethren around my Throne, sacrificing to the love of their common Country all that could break or weaken the fraternal bonds which ought ever to unite them.

Our relations with Foreign States are of the most satisfactory nature, with the exception of some differences, which, though they have not yet led to any rupture, have given rise to discussions which cannot now be terminated without the advice and intervention of the Cortes of the Kingdom. Such is the Question at present pending with the United States of America, respecting the Two Floridas, and the Boundary of Louisiana. Such too are the disputes, respecting the occupation of Monte Video and other Spanish Possessions on the left bank of the River Plate; but, although the final arrangement of these Questions has been delayed by various circumstances, I cannot but hope that the justice and moderation of the principles which this Government has hitherto shown in all its diplomatic proceedings, will lead to such an arrangement as may not be derogatory to the honour of the Nation, and as may, at the same time, preserve inviolate the pacific system, which seems now to be decidedly adopted by all the Cabinets of Europe.

The Regency of Algiers appears inclined to renew its ancient predatory aggressions. In order to avoid the consequences which might arise from such a want of respect to existing engagements, the defensive Treaty was concluded in 1816 with the King of The Netherlands, by which it is stipulated that a certain Force of each of the 2 Powers shall be stationed in the Mediterranean, in order to secure the liberty of trade and navigation.

It is the duty of the Cortes to establish, on a firm basis, the public welfare, by means of prudent and equitable Laws, and to protect the

religion of the State, and the rights of the Crown and of the Subject. It will be my study to see that these Laws are observed and carried into execution, and particularly the one which is now become the Fundamental Law of the Monarchy, and the firmest support of the hopes of all true Spaniards; and this shall be in future my constant and favourite occupation. I will employ, in maintaining and defending the inviolability of the Constitution, all the power with which the King is, by that Constitution, invested, and in that will consist my duty, my delight and my glory. In order to accomplish and acquit myself with honour of this great enterprize, after humbly imploring the aid and protection of the Author of all good, I shall stand in need of the active and effective co-operation of the Cortes now assembled, from whose enlightened patriotism, public spirit, and attachment to my Person, I expect to derive all the assistance necessary, in order to enable me to carry my present intentions into execution. They will thus prove themselves worthy of the confidence of the heroic Nation which has chosen them for its Representatives.

FERDINAND.

*SPEECH of the King of Spain, on the Closing of the Cortes.
San Lorenzo, 7th November, 1820.*

GENTLEMEN DEPUTIES,

(Translation.)

I HAVE the satisfaction of expressing to the Cortes the pleasure which I derive from the happy result of the first period of their Sitings. In the course of them I have frequently experienced the liveliest sensations of esteem, inspired by the zeal and wisdom with which the Congress has attended to the consolidation of the public good, and to the splendour of the Throne, which is inseparable from that of the Nation. I have myself promoted the extension of the Sitings, as authorized by the Fundamental Law; being persuaded that the establishment of our political system required at the beginning more time and greater exertions, and being convinced of the advantages of their prolongation during the progress of the important labours of the preceding months.

I gratefully acknowledge the generosity with which the Cortes have provided for the dignity and support of my household, and of those of my Royal Family, and I cannot but applaud the frankness and equity with which, whilst solemnly recognizing the burthens and obligations of the State, they have approved of the measures which were indispensably necessary in order to meet them, laying thereby the bases of our National Credit and our future happiness. These wise measures, as well

as others, for the proper organization of the Land and Sea Forces, for facilitating the circulation of our territorial riches, for removing the obstacles which presented themselves to it, and for establishing a plan of finance which should combine the interests of the Treasury with those of the People, have been the object of the unceasing attention and continued anxiety of the Cortes, and have entitled them to the universal admiration of Europe, and to the just gratitude of the Nation. At the same time, I cannot also but assure the Cortes, that my heart has been filled with joy, by the measures of prudent generosity and indulgence by which they have succeeded in healing the wounds of the Country, in obliterating the remembrance of those evils which have convulsed the Kingdom, opening thereby the door of reconciliation to such as have erred and gone astray, and leaving at the same time alive the sweet expectation that it will continue in future to be animated by the same noble sentiments, in order to establish more firmly the Constitutional system, upon the bases of fraternity and the mutual love of all Spaniards.

It is thus that the solid power of the Nation and of the Monarchical Authority which directs it are consolidated ; and whilst the amelioration of our domestic condition is advancing, we are acquiring stronger claims to the consideration of Foreign Governments, all of which continue to give me proofs of their friendly disposition.

Every day I congratulate myself more and more upon being placed at the head of so worthy and so generous a People. By means of my Royal Prerogative I have co-operated in the glorious work of their regeneration, and in the laudable efforts of the Cortes. I have directed the proper measures for the execution of the Laws, and I have no doubt that time will give greater vigour and force to our Institutions, and that those advantages which have already begun to be realized will progressively increase.

I trust that I shall be enabled to repeat this expectation, confirmed by experience, to the Representatives of the Nation, when, after the repose due to their toils, they shall again be assembled in the ensuing Session, in order to continue the labours which are now suspended, and to promote, with the same success as hitherto, the public prosperity.

FERDINAND.

[Read by the President, in the Sitting of the 9th November, 1820, at Madrid.]

ACT of the British Parliament, to allow a Drawback on Goods, Wares, and Merchandize, imported into any British Colony or Plantation in America, on the Exportation thereof to any Foreign Country to which they may be legally exported.
—22nd June, 1820. [1 Geo. 4. cap. 8.]

WHEREAS, by the Laws now in force, certain Duties are payable on the importation of any Goods, Wares, or Merchandize, into any British Colony or Plantation in America, which now is, or hereafter may be, under the Dominion of His Majesty, His Heirs and Successors: And whereas it is expedient to allow a Drawback of the said Duties in certain cases; be it therefore enacted, by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, that on the re-exportation of any Goods, Wares, or Merchandize, to any Foreign Country, which by Law may be exported to any such Foreign Country, a Drawback of the whole of the Duties which had been paid on the exportation shall be allowed and paid to the Exporter or Exporters of such Goods, Wares, and Merchandize.

II. Provided always, and be it further enacted, that previous to any Drawback being paid or allowed, proof shall be made on Oath, that the Goods, Wares, or Merchandize so exported, are the same for which the said Duties have been paid, and a Certificate produced from the British Consul or Vice Consul at the Port to which such Goods were entered for exportation, that the same have been duly landed at such Port.

III. And be it further enacted, that it shall and may be lawful to and for any Searcher or other proper Officer of the Customs, after the entry of any of the said Goods, Wares, or Merchandize, and before or after the shipping thereof, to open and strictly examine any bale, truss, chest, or other package, to see if the Goods, Wares, or Merchandize, are right entered; and if, on such examination, the same shall be found to be right entered, the Searcher or other proper Officer shall, at his own charge, cause the same to be repacked, (which charge shall be allowed to the said Officer by the Commissioners of the Customs, if they think it reasonable); but, in case the Officer shall, on examination, find such Goods, Wares, or Merchandize, to be less in quantity or value than is expressed in the Exporter's indorsement upon his entry, or that shall be entered under a wrong denomination, whereby His Majesty would have been defrauded, all such Goods may be seized, and the same shall be forfeited and lost, and the Owner or Merchant shall lose the benefit of receiving the Drawback for such Goods, Wares, and Merchandize, and the value thereof.

IV. And be it further enacted, that no Drawback shall be allowed

unless the Goods, Wares, and Merchandize, shall be duly entered for exportation with the proper Officer of the Customs, and actually shipped on board the Ship or Vessel in which they are intended to be exported, within the space of 3 Years from the time they were originally imported, (the time of such importation to be accounted from the Master's Report inwards of his Ship), and unless sufficient proof be also first made, by Certificate from the proper Officers, of the due entry and payment of the Duties inwards upon such Foreign Goods, Wares, or Merchandize, and by the Oath or Affirmation of the Merchants importing and exporting the same, verifying and affirming the truth thereof, and the name of His Majesty's Searcher, testifying the shipping thereof to be exported, and unless such Drawback be duly claimed within 2 Years after such Goods, Wares, or Merchandize, shall be shipped for exportation.

ACT of the British Parliament, for granting the Privileges of British Ships to Vessels built at Malta, Gibraltar, and Heligoland, and certain of those Privileges to Vessels built in the British Settlements at Honduras.—22nd June, 1820.

[1 Geo. 4. cap. 9.]

WHEREAS it is expedient that all the Privileges of British Ships should be granted to Vessels built at Malta, Gibraltar, and Heligoland, and that certain of those Privileges should be granted to Vessels built in the British Settlements at Honduras: Be it therefore enacted, by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that it shall and may be lawful for the Governor, Lieutenant Governor, or Commander in Chief, at Malta, Gibraltar, and Heligoland, respectively, and he and they is and are hereby authorized and required, on application being made to them, or either of them, for that purpose, to make Registry of any Ship or Vessel built in those Places respectively, and to grant a Certificate of such Registry, in the same manner, and under the same rules, regulations, and restrictions, as the Governor, Lieutenant Governor, or Commander in Chief, residing in any Colony, Plantation, Island, or Territory belonging to His Majesty in Asia, Africa, or America, are by an Act of the 26th Year of the Reign of His late Majesty, King George the IIIrd, intituled, "An Act for the further increase of Shipping and Navigation," authorized to make Registry of the Ships and Vessels therein mentioned, and to grant Certificates of such Registry, although there may not be any principal Officer or Officers of the Customs residing in Malta, Gibraltar, and Heligoland, respectively.

II. And be it further enacted, that all the powers and authorities in relation to any acts, matters, or things, that may be done by the Governor, Lieutenant Governor, or Commander in Chief, in any such Colony, Plantation, Island, or Territory, under, and in pursuance of, the said recited Act, shall and may be done and put in execution, and shall extend to the Governor, Lieutenant Governor, and Commander in Chief, at *Malta, Gibraltar, and Heligoland*, respectively; and all and every pain, penalty, fine, or forfeiture, for any offence whatever committed against or in breach of the said recited Act, and every other clause, matter, and thing, therein contained, as to the Registry of Ships and Vessels, shall, so far as the same are applicable, extend, and be deemed, construed, and taken, to extend, to Ships and Vessels registered under and in pursuance of this Act, in as full and ample a manner, to all intents and purposes, as if the said powers and authorities, pains, penalties, fines, forfeitures, provisions, clauses, matters, and things, were repeated and re-enacted in this Act, and were made part thereof.

III. And be it further enacted, that any Ship or Vessel so registered as aforesaid, being owned and navigated according to Law, shall be entitled to all the privileges and advantages of a Ship or Vessel, in like manner as if registered in *Great Britain*, to all intents and purposes whatsoever.

IV. And be it further enacted, that the proper Officer or Officers, by whom Certificates of Registry shall have been granted by virtue of and in pursuance of this Act, shall forthwith, or within one month at the farthest, transmit to the Commissioners of His Majesty's Customs in London, a true and exact Copy of every Certificate of Registry, with the number thereof which shall have been so granted.

V. And whereas it is expedient to admit Vessels built in the British Settlements at Honduras, in the Province of Yucatan, to the privileges of British Vessels, so far as regards the direct trade between those Settlements and the United Kingdom; be it therefore further enacted, that all Ships or Vessels built in the said Settlements, and wholly owned by British Subjects, shall be entitled to the privileges and advantages of British Ships as far as respects the direct trade between Great Britain and the said Settlements: Provided always, that no such Ship or Vessel shall be entitled to the said privileges and advantages unless the same shall be navigated according to Law, and the Master or other Person having or taking the charge or command of such Ship or Vessel shall, at the time of his arrival and reporting of his Ship or Vessel at any Port in Great Britain from the said Settlements, produce and deliver to the Collector, or other proper Officer of the Customs, at such Port, a Certificate under the hand and seal of the Superintendent of the said Settlements, certifying that satisfactory proof has been made before him that such Ship or Vessel was

actually built in the said Settlements, and wholly owned by British Subjects.

VI. And be it further enacted, that every such Master, or other Person having or taking the charge or command of any such Ship or Vessel, shall make oath that the same is the identical Ship or Vessel for which such Certificate has been given and produced.

ACT of the British Parliament, for further continuing, until the 1st day of January, 1826, so much of an Act passed in the 56th Year of His late Majesty, as permits Subjects of His Majesty the King of The Netherlands to import and export certain articles into and from the Colonies of Demerara, Berbice, and Essequibo, in Ships not of the built of the Dominions of His said Majesty.—8th July, 1820.

[1 Geo. 4. Cap. 34.]

WHEREAS an Act passed in the 56th Year of His late Majesty King George the III^d, intituled An Act to regulate the trade of the Colonies of Demerara, Berbice, and Essequibo; to allow the importation into, and exportation from, such Colonies of certain articles by Dutch Proprietors of the European Dominions of His Majesty the King of The Netherlands; and to repeal an Act of the 54th Year of His present Majesty, for permitting a trade between the United Provinces and certain Colonies in His Majesty's Possessions, in which it is among other things enacted, that it shall and may be lawful for the Subjects of His Majesty the King of The Netherlands to import into, and export from, the Colonies of Demerara, Berbice and Essequibo, certain articles therein described, in any Ships being the Property of such Subjects, wherever built, and without any restriction or limitation as to the Mariners navigating the same, for the space of 5 years, commencing from the 1st day of January, 1816. And whereas it is expedient that the permission to employ such Vessels in the trade above described should be further continued for a limited time: Be it therefore enacted, by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that the Provisions contained in the said recited Act be and the same are hereby continued for and during the term of 5 years from the 1st day of January, 1821, subject to the rules and restrictions therein contained; provided that the Master or other Person having the charge or command of any Vessel not being of the built of the Do-

[1819—20.] 3 K

minions of His Majesty the King of The Netherlands, in which any such importation or exportation shall be made, shall, previous to the entry of the same, produce to the proper Officer of His Majesty's Customs in the said Colonies respectively, satisfactory proof that such Vessel had been employed in such trade previous to the passing of this Act.

***LETTER from the Secretary of the Treasury to Congress,
transmitting Statements in relation to the operations of
the Mint of The United States.—8th April, 1820.***

SIR,

Treasury Department, 8th April, 1820.

I HAVE the honor to transmit herewith a Letter from the Comptroller of the Treasury, accompanied by sundry Statements which have been prepared in obedience to the Act, entitled "An Act establishing a Mint of The United States," passed the 2d of April, 1792.

I have the honor to be, &c.

WM. H. CRAWFORD.

The Honorable the Speaker of the House of Representatives.

SIR,

*Treasury Department,
Comptroller's Office, 8th April, 1820.*

THE Statements herewith, marked A. B. and C. have been prepared pursuant to the 7th Section of an Act of Congress, passed the 2d April, 1792, entitled "An Act establishing a Mint, and regulating the Coins of The United States."

They contain all the information, relative to the transactions of the Mint, which the settlements made at the Treasury enable me to afford.

With great respect, &c.

JOS. ANDERSON, *Comptroller.*

The Hon. William H. Crawford, Secretary of the Treasury.

(A.)—*STATEMENT* exhibiting the Balance of the Gold and Silver Bullion remaining in the hands of the Officers of the Mint, on the 31st December, 1818; the amount deposited from 1st January to 31st December, 1819, the different species of Coins made and paid on account of deposits; allowances for wastage; and the balance remaining in the hands of the Officers of the Mint, on the 31st December, 1819, to be accounted for on a future settlement, viz:

	Oz. Dwt. Grs.	Dolls. Cts. M.
GOLD.		
Balance of Gold bullion, &c. remaining in the hands of the Officers of the Mint, on the 31st of December, 1818 - - -	1,165 13 13	20,720 68 5
Gold bullion deposited from 1st January to the 31st December, 1819 - - -	19,108 5 22	339,708 06 0
TOTAL -	20,273 19 11	360,423 73 5
In the hands of the Treasurer of the Mint, on the 31st December, 1819 - - -	-	3 68 0
Amount paid for deposits of gold, from 1st of January to the 31st of December, 1819 - - -	-	140,827 13 5
Amount deposited in the Bank of The United States, on the 31st of December, 1819 - - -	-	119,105 89 5
		250,836 71 0
Deduct gold coins in the hands of the Treasurer, on the 31st of December, 1818 - - -	3 87 5	
Ditto Bank of The United States, same time 1,317 88 5		1,321 71 0
		258,615 0 0
Gold coins made at the Mint, from 1st January to December, 31st 1819 - - - 51,723 half eagles - - -	14,547 1 21	258,615 0 0
Allowances to the Melter and Refiner and Chief Coiner for wastage, for same period - - -	53 6 08	947 73 5
Gold bullion in the hands of the Officers of the Mint, on the 31st of December, 1819 - - -	5,678 11 9	100,861 0 0
As above	20,273 19 11	360,423 73 5
SILVER.		
Balance of silver bullion remaining in the hands of the Officers of the Mint, on the 31st of December, 1818 - - -	176,858 4 22	204,065 68 5
Silver bullion deposited, from 1st January, to 31st December, 1819 - - -	878,757 1 00	1,013,950 38 0
TOTAL -	1,055,615 5 22	1,218,016 01 5
Amount paid for deposits of silver, from 1st January to 31st December, 1819 - - -	-	1,147,355 06 0
Amount deposited in the Bank of The United States, December 31st, 1819 - - -	-	8,996 42 0
Add silver coins in the hands of the Treasurer of the Mint, on the 31st December, 1819 - - -	-	78 0
		1,156,352 26 0
Deduct this sum, being a balance of silver coins in the hands of the Treasurer of the Mint, on the 31st of December, 1818 - - -	78	
Also this sum, being a balance in the Bank of The United States, on the 31st December, 1818 - - -	16,351 48	16,352 26 0
		1,140,000 0 0
Silver coins made, from 1st January to 31st December, 1819 - - 144,000 quarter dollars and 2,208,000 half dolls. - - -	988,000 0 0	1,140,000 0 0
Allowances made to Melter and Refiner and Chief Coiner for wastage, for same period - - -	3,358 8 7	3,875 09 0
Silver bullion in the hands of the Officers of the Mint, 31st December, 1819 - - -	64,256 17 15	74,140 92 5
As above	1,055,615 5 22	1,218,016 01 5

Comptroller's Office, 8th April, 1820.

LUND WASHINGTON, Clerk.

(B.)—*The Mint of The United States, in Account Current of Copper, purchased from the commencement of the Institution to 31st December, 1819.*

Dr.

	TROY WEIGHT.	COST OF COPPER.
	Lbs. oz. dwts	Dolls. Cts.
To amount of rough copper, and copper planchets, purchased from the commencement of the Institution to the 31st December, 1818, per Statement marked B. accompanying the Comptroller's Letter of the 23d February, 1819.....	1,199,116 1 0	331,552 61
To amount of copper planchets, fit for striking, purchased in the quarters ending June and September 1819, 108,022 avoirdupois weight, at 7,000 grains to the pound, avoirdupois, is.....	131,155 1 13	34,589 36
To this sum lost in exchange upon remittances made to William Harrold, for the purchase of copper	- "	310 69
Amount and cost of copper....	1,330,271 2 13	366,452 66
To this amount gained in the weight of copper, arising from planchets weighing less than 7 dwts. each	60 10 1	
To amount gained on the coinage of copper	- -	63,037 01
	1,330,332 0 14	429,489 67

Cr.

By amount of rough copper and copper planchets, accounted for from the commencement of the Institution to 31st December, 1818, per Statement marked B. accompanying the Comptroller's Letter, of the 23d February, 1819.....	1,078,136 2 14	356,262 52
By amount of cents delivered by the Treasurer of the Mint to the Treasurer of The United States.	120,727 1 00	27,635 00
By this sum received from Matthew R. Bolton, for interest on the moneys in his hands	- -	517 15
Amount accounted for.....	1,198,863 3 14	384,414 67
By Balance on hand, viz:		
In hands of the Treasurer of the Mint.....	49,802 01 00	17,075 00
In hands of the Treasurer of the Mint, being uncoined copper.....	81,666 8 00	28,000 00
	1,330,332 0 14	429,489 67

NOTE.—278lbs. 9 oz. 17 grs. of planchet spoiled in striking appear to have been received in the Year 1819, by the Treasurer of the Mint, from the Chief Coiner, to be used as alloy in the coinage of gold and silver.

Comptroller's Office, 8th April, 1820.

LUND WASHINGTON, Clerk.

(C.)—**SUMMARY STATEMENT**, exhibiting the value of Coins made at the Mint; the Amount of Disbursements on account of the Establishment; the Amount allowed for Wastage; the Amount retained of Deposits; and the Amount gained on the Coinage of Copper, from the commencement of the Institution, to the 31st December, 1819, viz:

	Dolls. Cts. Mls.	Dolls. Cts. Mls.
Value of gold, silver, and copper coinage, up to the 31st December, 1818	—	15,549,456 06 00
Gold coins made from 1st January, to 31st December, 1819	258,615 00 00	
Silver coins made from 1st January, to 31st December, 1819	1,140,000 00 00	
Copper coins made from 1st January, to 31st December, 1819	44,710 00 00	1,443,325 00 00
Total value, gold, silver, and copper....	—	16,992,781 06 00
Net charge on the coinage of gold, silver and copper, to the 31st December, 1818.....	514,046 09 05	
Add amount gained on the coinage of copper to the same period.	63,331 58 00	
	577,377 67 05	
From which deduct amount wastage, gold and silver, to the 31st Dec. 1818.. 58,297 45 05		
Also, amount wastage from 1st January, to 31st Dec. 1819.. 4,822 82 05		
	63,120 28 00	514,257 39 05
Add amount disbursed on account of the Establishment from 1st Jan. to 31st Dec. 1819.	—	25,008 76 00
Add also the amount wastage on gold and silver, to 31st December, 1818.....	58,297 45 05	
Add also the amount wastage on ditto from 1st January, to 31st December, 1819.....	4,822 82 05	
	63,120 28 00	
From the above, deduct the amount retained from deposits to 31st Dec. 1818 7,938 56 05		
Also, this sum, from 1st January, to 31st December, 1819..... 104 91 00		
	8,043 27 05	55,077 00 05
		594,343 16 00
Deduct amount gained on the coinage of copper from the commencement of the Institution to 31st December, 1819.....	—	63,037 01 00
Net amount chargeable to the coinage of gold, silver, and copper, from the commencement of the Institution, to 31st December, 1819, including the cost of lots, buildings, and machinery.....	—	531,306 15 00

Comptroller's Office, 8th April, 1820.

LUND WASHINGTON, Clerk.

ACCOUNT of the Official Value of British Produce and Manufactures of Great Britain, distinguishing the several Countries; together with the
1818 to

		IMPORTS.					
		1818.		1819.		1820.	
		£.	s. d.	£.	s. d.	£.	s. d.
1	Russia	2,851,549	18 6	2,483,961	7 11	2,500,200	18 5
2	Sweden	196,854	2 10	143,669	18 3	110,422	14 11
3	Norway	88,333	9 11	68,699	6 0	31,507	2 10
4	Denmark	376,318	13 0	170,786	2 10	141,230	3 2
5	Prussian Dominions	1,390,834	3 5	587,912	2 4	712,295	4 8
6	Germany	1,265,584	4 3	575,671	5 9	641,084	16 7
7	Holland	1,133,772	12 5	584,314	0 3	562,614	1 7
8	Flanders	571,902	16 10	283,856	8 7	99,198	12 11
9	France	1,137,753	15 7	620,988	3 6	761,563	15 7
10	Portugal, Azores, and Madeira	707,245	1 7	456,044	5 11	400,536	12 7
11	Spain and the Canaries	1,245,989	12 2	762,568	5 7	925,698	11 8
12	Gibraltar	61,203	10 9	11,606	14 5	15,309	6 0
13	Italy	1,274,240	14 5	939,458	2 10	817,597	6 0
14	Malta	61,419	15 11	83,270	5 6	21,265	11 9
15	Ionian Islands	87,224	6 6	49,618	3 0	92,827	19 8
16	Turkey and the Levant	369,052	2 11	251,206	9 8	417,158	7 6
Total, - Foreign Europe		12,819,280	1 1	7,993,631	2 4	8,251,511	5 10
17	Isles Guernsey, Jersey, Alderney, and Man	146,440	1 1	141,870	19 5	137,541	9 2
18	East Indies and China	7,337,689	16 1	7,537,563	9 11	7,562,647	11 7
19	New Holland	5,111	1 6	6,899	0 7	5,030	19 1
20	Cape of Good Hope	126,224	19 10	74,425	2 2	78,494	7 8
21	Other parts of Africa	158,864	14 3	179,548	5 9	95,919	19 6
22	British Colonies in North America	690,431	13 7	751,003	12 10	841,271	10 11
23	—West Indies	8,347,235	16 0	7,887,668	13 0	8,011,335	6 8
24	United States of America	3,426,832	8 2	2,688,076	14 7	3,651,342	3 1
25	Foreign West Indies	850,041	17 11	774,116	15 10	798,620	4 5
26	The Brazils	1,080,543	6 4	952,201	19 3	1,294,025	0 6
27	Spanish and other Colonies on the Continent of America	400,568	3 8	290,645	0 5	233,711	0 8
28	The Whale Fisheries	444,519	3 0	398,405	5 5	551,702	11 0
29	Prize Goods, &c.	11,556	17 8	5,583	15 3	2,068	6 0
30	Total (exclusive of the Trade with Ireland)	35,845,340	0 2	29,681,639	16 9	31,515,221	15 7
31	IRELAND	4,290,612	0 0	3,944,101	0 9	4,999,342	15 11
Grand Total		£ 40,135,952	0 2	33,625,740	17 6	36,514,564	11 8

Total Official Value of Imports into Great Britain in the Year 1821, £. 35,838,038 18 1.

Inspector-General's Office,
Custom House, London,
 27th April, 1822.

WILLIAM IRVING,
Inspector-General of the Imports and Exports of Great Britain.

tures, and of Foreign and Colonial Produce, Exported from Great Imports into Great Britain from the same Countries; from the Year 1820.

EXPORTS.																			
British and Irish Produce and Manufactures.									Foreign and Colonial Merchandize.										
1818.			1819.			1820.			1818.			1819.			1820.				
£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.		
1	2,309,472	14	5	1,630,047	11	3	2,519,226	10	3	511,268	10	11	406,016	4	6	1,149,156	10	1	
2	40,973	13	4	40,419	0	11	30,034	15	11	95,996	5	8	119,736	17	11	95,551	14	0	
3	76,466	5	4	60,164	3	6	57,760	15	7	54,306	6	9	29,174	8	2	28,096	11	7	
4	188,269	16	2	184,923	5	8	171,868	13	9	189,425	19	0	103,199	13	8	186,707	5	2	
5	545,774	15	7	435,156	2	9	703,681	12	1	517,024	6	8	539,477	1	7	608,898	13	11	
6	5,890,826	2	6	5,581,856	14	5	6,908,419	10	10	2,863,407	0	10	2,827,114	3	9	2,985,688	9	4	
7	1,055,477	12	7	1,158,120	0	3	1,210,453	13	7	990,647	6	6	1,129,555	13	10	837,158	14	11	
8	698,518	11	9	693,334	19	11	692,532	2	1	1,223,580	0	8	1,078,192	10	10	849,798	14	5	
9	316,884	7	4	247,144	6	11	333,159	10	3	877,868	0	8	734,677	9	10	829,596	13	9	
10	1,295,950	3	5	1,426,848	4	4	1,721,212	5	9	112,328	16	2	107,092	1	3	103,692	14	0	
11	396,243	14	2	414,221	12	2	496,265	2	8	206,365	8	3	250,408	7	7	170,647	5	4	
12	655,646	15	11	911,673	18	3	1,519,027	17	5	240,531	6	8	203,452	18	3	246,934	14	6	
13	3,395,367	2	0	3,204,164	17	4	3,157,971	14	7	893,486	11	2	602,184	4	10	609,649	19	5	
14	557,173	10	5	444,066	2	3	440,429	3	7	117,704	13	1	121,884	10	4	88,003	10	9	
15	11,144	12	8	5,973	12	9	14,040	18	2	2,075	16	7	232	19	6	-	-	-	
16	882,132	15	9	652,459	3	10	787,850	8	4	179,677	16	1	115,007	6	10	173,896	0	1	
18,256,322			13	4	17,090,563	16	6	20,763,934	14	10	9,065,694	5	8	8,367,406	12	8	8,913,477	11	3
17	218,321	19	0	218,866	5	0	211,312	8	10	62,658	14	4	73,971	19	10	95,045	4	8	
18	2,683,221	9	8	1,998,601	9	11	2,978,456	19	5	502,529	7	2	374,380	18	5	294,360	3	11	
19	9,301	14	8	40,906	3	7	84,242	1	0	771	18	7	7,875	15	5	33,844	6	6	
20	174,394	4	1	159,037	7	4	224,391	13	6	30,898	12	0	20,471	4	0	32,073	1	5	
21	150,640	11	2	131,561	5	2	130,995	8	8	123,008	5	4	111,946	2	3	178,590	11	4	
22	1,320,043	9	1	1,548,181	10	9	1,212,845	8	1	475,220	15	2	452,862	5	9	463,470	16	3	
23	5,516,816	12	8	4,197,975	19	10	4,038,222	3	5	267,737	5	4	292,033	15	11	308,820	15	1	
24	8,239,640	4	11	4,229,767	4	8	3,862,267	16	8	143,796	11	0	71,928	12	8	57,951	17	0	
25	1,473,794	0	9	1,095,171	13	6	1,191,642	15	3	35,958	0	4	48,547	17	3	65,406	15	9	
26	3,159,897	3	9	1,864,309	8	5	2,232,370	5	10	31,723	17	3	32,006	16	4	46,098	4	5	
27	758,161	0	3	408,745	17	2	885,986	5	0	92,782	14	2	22,869	15	6	31,930	1	5	
28	-	-	-	0	15	0	1,049	7	9	3,020	0	0	2,944	4	0	3,956	9	8	
29	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
30	41,960,555	3	5	32,983,688	16	10	37,817,717	8	3	10,835,800	6	4	9,879,236	0	0	10,525,025	18	8	
31	2,610,097	18	9	2,673,340	3	3	2,422,560	1	11	1,451,474	8	8	1,398,840	17	6	965,313	10	0	
Totals, Foreign and Colonial Merchandize,									-	12,287,274	15	0	11,278,076	17	6	11,490,339	8	8	
Do. British and Irish Produce and Manufactures									-	41,960,555	3	5	32,983,688	16	10	37,817,717	8	3	
Do. Do. - do. - Ireland,									-	2,610,097	18	9	2,673,340	3	3	2,422,560	1	11	
Grand Totals. - £.									-	56,857,927	17	2	46,935,106	17	7	51,730,616	18	10	

Total Official Value of Exports from Great Britain; in 1821. viz.

British and Irish Produce and Manufactures	-	-	£.43,111,474	15	8
Foreign and Colonial Merchandize	-	-	12,089,939	15	2
			<u>£.55,151,414</u>		
			10		

DECREE of the Cortes of Spain, relative to the Consolidation and Liquidation of the National Debt.—Madrid, 9th November, 1820.

(Translation.)

THE Cortes, in virtue of the powers granted to them by the Constitution, have decreed.

ART. I. The National Debt is composed of Debts bearing interest, and Debts bearing no interest.

II. The Debts bearing interest, and their approximate amount, are described in the accompanying Statement No. 1.

III. The Debts, not bearing interest, together with their respective denominations and approximate amount, are described in Statement No. 2.

IV. The annual interest on the aforesaid Debts, now fixed at 3, 4, 5, 6, 7, 8, and 9 per cent, shall, henceforward, be fixed, generally, at 5 per cent., and the Capitals shall be respectively increased or diminished, in order that the holders may still receive the same amount of stipulated interest; but, upon the liquidation of the Debts, they shall be paid off according to their original value, which shall be expressed on the Bonds, without stating whence that value proceeds.

V. For this purpose, as well as for that of simplifying the Debt, freeing it from all improper Claims, and retaining and cancelling the Debts belonging to the State, by means of the measures already or hereafter to be adopted, all the National Creditors, whether for Capital and Interest unpaid, or for pay, pensions, supplies, or any other claim, previous to the 1st of July of this year, shall present the Documents which prove their Debts to the National Junta of Public Credit, or to the Commissioners in the Provinces, in order that they may be acknowledged through the medium of the Board of recognition and extinction, and that the Claimants may receive their equivalent in fresh Vouchers, in the drawing up of which, the Offices have been enjoined to use the utmost accuracy and circumspection.

VI. All the legal Claims against the State shall be acknowledged, notwithstanding that they may have been presented for liquidation during the time of the intrusive Government, and may consist of Mortgage Deeds, or any other species of paper security, provided that such Claims originated previously to the irruption of the French into the Peninsula.

VII. The Bonds shall be of 2 classes; Bonds bearing interest, and Bonds bearing no interest.

VIII. The Creditors who shall not present their Documents for liquidation and renewal, before the 1st of July, 1821, shall not afterwards be allowed to do so; nor can their Claims be acknowledged without a Special Decree of the Cortes, unless the latter shall think proper to extend the term granted.

IX. In favour of the latter Creditors, the Office of Liquidation shall issue a Certificate, testifying the production of their Documents; which Certificate, in addition to other uses hereafter to be mentioned, shall serve as a temporary Voucher until the Claims shall be liquidated.

X. The interest due on the Debts shall be punctually paid, half-yearly, on the 1st of July and the 1st of January, out of the proceeds arising from property set apart for that purpose, and described in Statement No. 3; and out of such as may be hereafter appointed, commencing from July, 1821.

XI. The capitals of the Debt not bearing interest shall be extinguished out of the proceeds of the property and funds described in Statement No. 4, and out of such as may hereafter be appointed for that purpose; which shall be disposed of by public auction; any other mode of liquidation, especially that of cash payments, being excluded.

XII. The payment of the proceeds of these Sales shall be made in equal portions, at three different periods; the first immediately upon the Sale being concluded; the second at the expiration of 1 year, and the third at the end of 2 Years. Preference shall be given to those Bidders who offer shorter dates and better conditions; but more especially to those who propose to pay in cash. The sales on Credit shall be immediately completed, the necessary Deeds of sale made out, and the purchasers put in possession of the estates; the latter binding themselves to pay to the Department of Public Credit, 2 per cent. annually, on the amount agreed upon and remaining to be paid, and giving security for the capital and interest until they shall be liquidated.

XIII. The Owners of Bonds bearing interest, who may wish to extinguish them in this manner, shall be allowed so to do, and to decide, previously to the 1st of July, 1821, whether they will have their Debts consolidated, or transferred to the Debt bearing no interest.

XIV. Those who make choice of the former, shall be inscribed on the Great Book of the Consolidated Debt, which the National Junta is to open, and shall receive, instead of the Documents they may possess, equivalents, which shall be entitled "Inscriptions of the Consolidated Debt," which Inscriptions shall be of 4 classes: viz.—of 2,000, 6,000, 10,000, and 20,000 reals each.

XV. In order that the Holders of Government Bonds may be left at full liberty to act as they think proper, with regard to the terms of the 2 preceding Articles, all the existing Bonds of the ordinary class shall be restored to them; the interest of the unconsolidated Debts shall be paid in paper, from the time they were placed on that footing in 1818, and the consolidated Debts in specie.

XVI. From the 3 preceding Articles are excepted, Annuities terminating with the lives of the present Possessors, and Debts connected with property in mortmain, or of which the capital is not disposable, but not property belonging to private Individuals, or rents arising therefrom.

XVII. In the liquidation and issue of the new Documents, great attention must be paid to the following points,

1. The Debt of capitals and interest belonging to the Town Lands and Granaries of the Monarchy, shall be retained, and incorporated with the bulk of the national property.

2. All the landed property, rights, rents, and shares of pious endowments, now vacant, or which may hereafter become so, and which are not entailed on any family, as well as all hermitages, sanctuaries, co-fraternities, brotherhoods, memorials, or foundations (not converted into Church Property, or appropriated to ministers of the altar,) as well as all other pious Establishments, (except hospitals, houses for foundlings and orphans, infirmaries, houses for education, or such as may belong to private families and individuals, or are appointed as dowries for spinsters,) shall, from the present time, be applicable to the extinction of the Public Debt; and the National Junta of Public Credit shall take possession of and sell the same, administering them till sold, and paying, in the mean time, the necessary expenses; but no compulsory process shall be instituted against farmers, miners, and other persons, in the Ultra-marine Provinces, for the Capitals they may have borrowed of Charitable Institutions and Convents, upon irregular securities, and at a certain Annual Interest, so long as that Interest shall be punctually paid.

3. The proceeds from the sale of property belonging to the above-mentioned Establishments, and the Interest that may be due, (minus what is owing to the Chaplains,) together with the monastic property, shall therefore be retained and amortized.

4. The Junta shall present to the Cortes, in the Legislature of next March, a full and explanatory Statement of all that concerns this large portion of the National Debt.

5. The National Bank of San Carlos, the Philippine Company, and the 5 privileged Trading Companies, called *Gremios*, shall receive the equivalent of their Claims in Bonds, the distribution of which, by the two former Bodies, among their Shareholders, and, by the latter, amongst the Holders of Stock, will enable the Parties to inscribe their respective amounts, either on the consolidated Debt, or on that not bearing interest, conformably to the regulations prescribed in Articles XI and XII.

XVIII. The Decree and Royal Orders prohibiting the agio on Government Bonds, and Paper Money, are hereby revoked and annulled, and all Bills shall freely circulate at the rate of exchange and value which circumstances may assign to them; and bargains and contracts of every kind shall be subject to such terms and conditions as may be agreed upon between the Parties concerned.

XIX. Certificates attesting that the Documents in proof of Claims have been produced, within the prescribed period, at the Office of liquidation, shall be received in the purchase of National property; with

this proviso, that the Contract shall not be closed until the said Certificates have been presented in payment, after the due liquidation and recognition of the Documents referred to in them; for which purpose they shall, in every case, be liquidated in preference to all others, any loss being guaranteed by the Claimant.

XX. A Sinking Fund for the gradual reduction of the Consolidated Debt, shall be formed out of the following means:

1. The annual surplus of the produce of the appropriations already made, or intended to be made, for the payment of the interest of the Consolidated Debt; the same being applied, by means of a Lottery, to the paying off of such a number of inscriptions, to be drawn by lot, as shall be equal to the said surplus.

2. The national edifices, and property which cannot be readily and advantageously disposed of by public auction, shall be put up to raffle; the whole amount of the Subscriptions, which are to be in Consolidated Stock, being equal to the value of the objects to be raffled for.

3. Reserved Annuities, glebe-rents, ground-rents, masses, and pensions, as well as all perpetual or temporary charges, which, by virtue of the reform of the Regular Orders, have become National or public Property, the hereditary possessions of the Crown, the property of the Inquisition, fund for the redemption of Captives, temporalities of the Jesuits, pious Institutions, Sanctuaries, Memorials, and Foundations, and property and incomes held in private right, the proceeds of which may have been already applied, or may be hereafter applied to the payment of the Public Debt, shall be redeemable in Consolidated Stock.

4. The Capital of the Revenue known by the name of *Regalia de Aposento* on the houses of Madrid, shall be redeemable in like manner.

5. It shall also be allowed to redeem in Consolidated Stock, the Taxes known by the name of *Poblacion de Grenada* and *Cánones*, paid by the inhabitants of the Sierra Morena, and the new Settlements in Andalusia.

6. To this Sinking Fund shall also be applied, all Debts due to the Treasury for *lanzas* and *medias anatas* up to the end of 1819, which the parties may pay, in Consolidated Stock, from the present time until January, 1822; after the expiration of which period Cash-payments only will be received.

7. Consolidated Stock shall be received from Towns, in payment of arrears up to 1819; after the other measures of the Cortes, for discharging them, shall have been carried into effect.

XXI. The redemption of charges of a temporary character, or redeemable at the option of the Parties upon whom they are imposed, shall be effected at the rate of $33\frac{1}{3}$ per 1000; and at the rate of $66\frac{2}{3}$, for the *foros*, land-tax, or other charge that may be perpetual, either by its own nature, or by the stipulations of the Contract; and the

capitals of both shall be paid over in Consolidated Stock, to the National Junta of Public Credit, and become extinguished.

XXII. The National Junta of Public Credit shall be entrusted with the execution of this Decree, and of all others having for object the extinction of the Public Debt, the payment of the progressive interest, and the establishment of the National Credit; two Counsellors shall also be named by them, to be consulted on such legal doubts as may arise in the disposal of the National Property, or in the redemption of charges and imposts.

XXIII. The independence of this Junta, with regard to the management of public property, shall not prevent it from being, as it will be, under the inspection and supreme vigilance of the Government; through whose medium all communications must be made to the Cortes, and to whose authority it belongs, to nominate Candidates for the Office of Directors, and to forward the recommendations for Accountants General, which latter offices are to be created by the Junta, and filled up by the Cortes.

XXIV. The Junta shall present to the Cortes, in the first Legislative Session, a plan for the administration of the affairs entrusted to them;—for the establishment of the Offices in the Capital and Provinces, the appointment of the Clerks, and the Salaries to be assigned to them; in order that a system may be established, which, while it ensures the proper execution and despatch of Public Business, shall, at the same time, prescribe that attention to economy which the situation of the Monarchy imperiously demands.

XXV. The Government, and the Junta of Public Credit, respectively, and with the approbation of the Cortes in matters not within their province, shall take all the necessary measures for the early liquidation and acknowledgment of the Debt of the Ultra-marine Provinces, and for the administration and sale of the property which, in virtue of the present Decree, is applicable in those Countries, as well as in the Peninsula, to the extinction of the Debt; informing the Cortes, in the next Legislative Session, of the most advisable plan to be adopted with regard to payments in specie for property sold in those Countries, and of whatever else may be expedient on this subject.

XXVI. In order that the plan of Public Credit may be carried into effect in the Ultra-marine Provinces, 2 Subaltern Juntas shall be established,—one in Mexico for the whole of North America, and the Islands adjacent, and the other in Lima, for the Southern Division; each composed of 3 Persons, with their necessary Offices, so that they may act in their respective Districts, in the same manner, and under the same Regulations, as the National Junta in the Peninsula.

XXVII. Those Subaltern Juntas shall be dependent on the National Junta, shall correspond with it, and be held answerable to it, for the observance and execution of the orders given for the incorporation and sale of property applicable to the National Credit, under the same rules as in the Peninsula; and they shall forward to it, annually,

their Accounts and Statements, in the mode and form which the National Junta shall prescribe.

Madrid, 9th November, 1820.

JOSEF MARIA CALATRAVA, *President.*

MARCIAL ANTONIO LOPEZ, *Deputy, Secretary.*

MIGUEL CORTES, *Deputy, Secretary.*

(No. 1.)—*Public Debt of Spain, bearing Interest.*

INTEREST.	ITEMS.	CAPITALS.
17,999,905.	Perpetual Annuities	1,260,521,565
6,608,327.	Alcabalas; 4 per Cents. and Ordinary Service abolished.....	224,507,286
5,023,036.	Compensations for Offices abolished	250,000,000
937,500.	Portion of the Infant Don Pedro	30,000,000
2,750,311.	Debts and Pensions of Philip V.	180,223,602
61,027,478.	Royal Bonds.....	1,525,686,964
50,131,056.	Property of Pious Foundations and Estab- lishments, and Entailed Estates	1,671,035,232
17,144,000.	Foreign Loans.....	291,750,000
25,661,768.	National Loans.....	576,868,305
10,512,475.	Securities for Offices, Private Pensions, and Deposits.....	134,703,172
13,777,674.	Life Annuities	167,032,698
24,393,109.	National Bank, the 5 <i>Gremios</i> , Philip- pine Company, and Canal of Tauste	502,451,539
<u>235,966,639</u>	Reals	<u>Reals..... 6,814,780,363</u>

(No. 2.)—*Amount of Debt, not bearing Interest, arising out of Interest unpaid, and Floating Debt of the Treasury.*

	CAPITALS.
Perpetual Annuities	269,999,725
Securities.....	1,666,425
Pious Establishments	651,703,728
Life Annuities.....	123,999,066
Privileged Trades	73,392,510
Bank.....	169,783,515
Loans.....	124,815,600
Excise on Tobacco	84,345,814
Do. redeemable by Individuals	38,504,340
Loan of Spanish Merchants.....	24,960,000
Do. of Individuals	22,360,000
Free Pensions	14,040,000
Royal Bonds	837,059,480
Arrears of the Treasury up to the Year 1815.....	3,834,161,825
Consolidated Inscriptions	35,000,000
Floating Debt of the Treasury.	900,000,000
Total Debt not bearing Interest....Reals...	<u><u>7,205,792,028</u></u>

NOTE.—Neither in this, nor in the preceding List, are included the Arrears of the Debt due to Holland, the Government and the Cortes being yet undecided as to the means of discharging them, conformably to the recommendation of the latter.

(No. 3.)—List of the Appropriations for paying the Interest.

1. All the rents, imposts, and shares, of the Commanderies, which are or may become vacant, belonging to the 4 Military Orders, including that of St. John of Jerusalem.
2. The Grand-Masterships of the Military Orders.
3. The proceeds of the estates, imposts, and revenues, of the Inquisition.
4. The surplus of the proceeds of the Revenues of Convents and Monasteries,—the Pensions of the Monks being first paid.
5. The income of all vacant Ecclesiastical Benefices and Prebends throughout the Monarchy; and one year's receipts, of all Incumbents, every 4 years, according to the existing regulations.
6. All the means hitherto appropriated, in the Ultra-marine Provinces, to the Old Consolidated Fund, so long as the latter shall exist.
7. Arrears due to the Old Consolidated Fund.
8. *Al sacar* Grants in Spain, and in the Ultra-marine Provinces.
9. One-fifth of the alms arising out of the *Cruzada* Bulls.
10. One-half of the Revenue of vacant Bishopricks, in Spain, and in the Ultra-marine Provinces.
11. One year's receipts of the Pensions attached to the Order of Charles III., and the arrears due from the Commanderies of the beneficed Military Orders.
12. The lead mines.
13. The ecclesiastical *economatos*.
14. The quicksilver mines of Almaden, without detriment to existing contracts.
15. The mines of the Rio Tinto.
16. 1,500 Reals of Knights' fees for Military Orders, and that of Isabella the Catholic; and 2,000 for the privilege of wearing Foreign Orders.
17. Simple Benefices.
18. The proceeds of the Estates belonging to secularized Pious Establishments, and those of unclaimed property while it remains unsold.
19. The proceeds of the Albufera Estate.
20. The proceeds of Estates to be alienated, as unnecessary for the recreation of His Majesty.
21. The proceeds of the Valley of Alcudia.
22. The appropriation to the Government of all the mines, the right of property in which belongs, according to the Laws, to the State,—the management of them being conducted on the same principles, as those acted upon by private Owners.
23. The amount of the Revenue arising from ecclesiastical property transferred to the Public Credit, until the sale of it is effected.
24. The proceeds of the estates of the late Duchess of Alba,

of all others that may hereafter belong to the Nation, and of those of Don Manuel Godoy.

25. The Revenue of Prebends and all other Ecclesiastical Benefices, held by Persons residing out of the Spanish Territory, unless they are employed by the Government.

26. The Royal Patrimony of Valencia, or of any other part of the Kingdom.

27. The sale of Segura Timber.

(No. 4.)—*List of the means appropriated to the extinction of the Debt.*

1. Property belonging to the temporalities of the Jesuits.

2. The estates, whether in town or country, belonging to the Comanderies and Grand-Masterships of the Military Orders, including that of St. John of Jerusalem, which are now vacant, or may hereafter become so, by the death of the present Possessors; all grants of survivorship being declared to be null and void.

3. The Jewels and Effects called of the Crown, and those at present in the Royal Palaces, not necessary for the recreation of the Royal Family.

4. One-half of the common and waste Lands belonging to the Crown.

5. The Estates of the late Duchess of Alba, and of others that may be incorporated with those of the Nation.

6. The Valley of Alcudia.

7. Immoveable property belonging to the Inquisition.

8. The property of Monasteries and of the other regular Convents suppressed by the late reform.

9. The produce of the national manufactories of Guadalajara and Brihuega Cloths, St. Ildefonso glass, and Talavera silks.

10. The National Edifices not necessary in Madrid.

TREATIES and Papers, relating to the abolition of the Slave Trade, by the King of Madagascar. 1817 to 1820.

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Governor Farquhar to Earl Bathurst.

(Extract.)

Port Louis, Mauritius, 27th December, 1820.

MY former Despatches will have informed your Lordship of the progress I had then made, and of the steps I had then taken, in pursuance of your Lordship's Orders of the 30th October, 1819, to the Governor of this Island, to avail himself of any opportunity which might offer, of renewing a Negotiation with the leading Chiefs of Madagascar, on the principle of that formerly concluded with Radama in 1817, for the abolition of the Slave Trade; as such a Treaty, faithfully and ably executed by that Chieftain, affords the best security against any clandestine Trade of that nature with Mauritius; imposing, at the same time, a check on that carried on with Settlements not under the control of Great Britain.

I have now the satisfaction of enclosing to your Lordship, the Copy of an original Treaty made in 1817, which has now again been accepted and ratified at Tamatave, the Capital of Madagascar, on the 11th of October, 1820.

This could not however be obtained, without the Additional Articles contained in the Document annexed, of the same date; these Articles I regard as very valuable guarantees for the security and good faith of Radama, for the performance of his engagements; as the persons whom he sends up for education to this Island and Great Britain, in virtue of these Articles, being of the best families of his Country, enable us to rely with confidence on the fulfilment of the Treaty thus confirmed.

I have the honour to subjoin a Copy of the Proclamation published by Radama, on the occasion, prohibiting the Traffic in Slaves, under the severest pains and penalties, upon the signature of this Treaty, throughout all his Dominions, and distributed in all the Ports of Madagascar.

I have the honour to transmit also, a Letter from Jean René, Chief of Tamatave, which was the great mart for the Slave Dealers on the Coast of Madagascar.

Your Lordship will observe, that this Chieftain now enters fully into our views; indeed he cannot safely do otherwise, being completely at the mercy of Radama.

Mr. Hastie, in returning from the Capital of Madagascar, fixed an Englishman, whom I had sent for the purpose, at a small Village called Manamborente, about 120 miles from the Sea-port of Tamatave, in order to observe and report upon the movements of the Slave Dealers. This Village may be considered, in some measure, as the key to the interior of Madagascar, or at least, as the defile through which all travellers must pass, who proceed thither for the purpose of Slave-dealing. The reports of this Person are highly satisfactory. I have the honour to transmit extracts from his Correspondence, which show not only that the Slave Dealers who have attempted to traffic since the Proclamation of Radama, have been totally unsuccessful in their

journies for this purpose, but that they have been obliged to return to the Coast, after a ruinous expense for the transport of the merchandize which they had taken to exchange for Slaves; and also, that whatever they disposed of was sold, contrary to their hopes and intentions, for money, and at a great loss.

I have the honour to add a Copy of a Letter from Mr. Jones, a Missionary, who brought Letters to this Government from your Lordship. He is a very pious and excellent man; and as he resides with Radama, with whom he appears in much favour, this is an additional ground of confidence in the good faith of that Chieftain.

Earl Bathurst.

R. T. FARQUHAR.

(Inclosure 1.)—Treaty between Radama, King of Madagascar and Governor Farquhar, for the final abolition of the Slave Trade through the whole extent of Radama's Dominions.

Tamatave, 23d October, 1817.

ROBERT TOWNSEND FARQUHAR, Esquire, Governor and Commander in Chief, Captain General, Vice Admiral of the Island of Mauritius and its Dependencies;

By his Commissioners, Captain Stanfell, of the Royal Navy, commanding His Majesty's Ship *Phaeton*, and Thomas R. Pye, Esquire, Assistant Agent for his Excellency's Government at Madagascar, who are vested with Full Powers; and Radama, King of Madagascar and its Dependencies, by his Commissioners, Ratzalika, Rampoolle, Ramanou, and Raciabato, representing the said Radama, and with Full Powers from His Majesty; have agreed upon the following Articles and conditions:

ART. I. It is agreed by the Parties to these Presents respectively, that the mutual confidence, friendship, and brotherhood, which are hereby acknowledged to subsist between the Contracting Parties, shall be maintained and perpetuated for ever.

II. It is agreed, and the 2 Contracting Parties hereby covenant and agree, that, from the date of this Treaty, there shall be an entire cessation and extinction through all the Dominions of King Radama, and wherever his influence can extend, of the sale or transfer of Slaves, or other Persons whatever, to be removed from off the soil of Madagascar, into any Country, Island, or Dominion of any other Prince, Potentate, or Power whatever; and that Radama, King of Madagascar, will make a Proclamation and a Law, prohibiting all his Subjects, or Persons depending on him or his Dominions, to sell any Slave, to be transported from Madagascar, or to aid or abet, or assist in any such sale, under penalty that any Person so offending shall be reduced to slavery himself.

III. And in consideration of this concession on the part of Radama, King of Madagascar, and his Nation, and in full satisfaction of the same,
[1819—20.] 3 L

and for the loss of revenue thereby incurred by Radama, King of Madagascar, the Commissioners on the part of his Excellency the Governor of Mauritius, do engage to pay to Radama, yearly, the following articles; viz. 1,000 dollars in gold, 1,000 dollars in silver, 100 barrels of gunpowder (100lbs. each.) 100 English muskets and accoutrements complete, 10,000 flints, 400 red jackets, 400 shirts, 400 pair trowsers, 400 pair shoes, 400 Soldiers' caps, 400 stocks, 12 Serjeants' regulation swords and belts, 400 pieces of white India cloth, 200 pieces of blue India cloth, 1 full dress cloth coat, with 2 epaulets, cocked hat, and dress boots for the King, and 2 horses; upon a Certificate being received, that the said Laws and Regulations and Proclamations have been enforced the preceding Quarter; which Certificate shall be signed by Radama, and countersigned by the Agent of his Excellency, Governor Farquhar, resident at the Court of Radama.

IV. And further, it is agreed by the Contracting Parties, mutually to protect the faithful friend and Ally of England, the King of Johanna, from the predatory attacks to which he has been for many years annually exposed, from some of the smaller States of the Sea Coast of Madagascar; and to use every means in their power, by their Subjects, Allies, and Dependants, to put a final end to this system of piracy; and for this purpose, Proclamations shall be made by Radama and the Governor of Mauritius, prohibiting all Persons whatever from engaging in this piracy; and these Proclamations shall be particularly distributed in the Ports and on the Sea Coast of Madagascar.

Additional Article.

The Contracting Parties agree in considering this Treaty as provisional, until ratified and confirmed by His Majesty's Ministers, on the part of the King of Great Britain; which Ratification will be forwarded, without loss of time, to the King of Madagascar (Radama), by his Ambassador to that Court. This formality, however, is not to prevent the stipulations of the Treaty from being carried into full and complete effect, from the date hereof.

Done at Tamatave, Island of Madagascar, the 23d October, 1817.

RATZALIKA,	} <i>Commissioners for Radama</i>
RAMPOOLE,	
RAMANOU,	
RACIAHATO,	

FRANCIS STANFELL, *Captain of His Majesty's Ship Phaeton,*
Senior Naval Officer and Commissioner.

THOS. R. PYE, *British Agent and Commissioner.*

(Approved.) R. T. FARQUHAR.

(Enclosure 2.)—*Additional Articles.*—11th October, 1820.

(Translation.)

Tananarivoux, 11th October, 1820.

By virtue of the Treaty concluded between His Majesty Radama,

King of Madagascar, and his Excellency R. T. Farquhar, Esq. Governor and Commander in Chief of the Island of Mauritius and Dependencies, Captain General, Vice Admiral, &c. &c. &c. bearing date the 23d of October, 1817, the abolition of the exportation of Slaves shall, from this day for ever be maintained and preserved inviolate; and the Contracting Parties severally bind themselves to fulfil all the Articles and Conditions contained in the said Treaty, with the most scrupulous care and attention.

In consequence of this Treaty, confirmed and ratified by Command of His Britannic Majesty, and accepted this day by His Majesty the King of Madagascar, there has been agreed upon between Mr. James Hastie, Agent of Government, on the part of his Excellency Governor Farquhar, and King Radama, that the said Mr. Hastie engages, on the part of his Government, to take with him 20 free Subjects of His Majesty, King Radama, to be instructed in and brought up to different trades, such as mechanics, gold and silver smiths, weavers, carpenters, blacksmiths; or placed in the arsenals, dockyards, &c. whereof 10 shall be sent to England, and 10 to the Island of Mauritius, at the expense of the British Government.

It is further agreed upon between the 2 Parties, that if, on the arrival at Mauritius of the 20 individuals above-mentioned, accompanied by Mr. Hastie, the Governor should not consent to the instruction of the said 20 individuals, 10 at Mauritius, and 10 in England, then shall the Treaty become null, without compromising, however, the word or promise of King Radama.

It is understood by this Article, that the British Government shall place the said 20 individuals with persons practising the various trades before mentioned; but that Government is not responsible for their conduct or their want of capacity.

Mr. James Hastie further engages to take with him 8 other individuals, to be instructed in music, for the purpose of being formed into a band for the Regiment of Guards of His Majesty the King of Madagascar.

In consequence of this Article and the conditions before stated, King Radama will make a Proclamation, in the which he will notify the said abolition of the exportation of Slaves from within his Dominions: and will further invite all persons of talent, or otherwise skilled in any trade or profession, to come and visit his Country, promising to them his protection; and the said Proclamation shall be published in the Mauritius Gazette.

Given at Tananarivoux, this 11th of October, 1820.

RADAMA MANZAKA.

JAMES HASTIE,
Agent of the British Government.

(Enclosure 3.)—*Radama, King of Madagascar, to Governor Farquhar.*
(Translation.)

SIR, MY BROTHER, *Tananarivoux, 11th October, 1820.*

YOUR Agent Mr. Hastie, accompanied by Mr. Jones the Missionary, has arrived at Tananarivoux, both of them in good health. I learnt by them, with much pleasure, of your happy return to the Mauritius, and that you and your family were in good health; a continuance of which, my dear Brother, I wish you with all my heart.

Mr. Hastie has delivered to me your Letters, together with a service of plate, which he has offered as a gift from you, assuring me of the renewal of your personal friendship. I have accepted it with pleasure, and I embrace this opportunity of expressing my very sincere thanks for it; as also of testifying to you all the interest I take in your happy re-establishment in the Government of Mauritius.

Mr. Hastie has likewise informed me of your desire to renew the relations which formerly existed between us; and of the approbation which you have obtained of your Sovereign in these respects. Conformably to your demand in reference to the Ratification of the Treaty, I have conceived, that instruction would be the best means of softening the leading miseries of my People; and from thence they might be induced to work, which is unquestionably the shortest road to happiness: this I consider, therefore, of greater value than any thing which can be offered to me.

Thus, in order to maintain and to preserve the Alliance offered to me by your Excellency, I have agreed upon an Additional Article to this end, with your Agent Mr. Hastie. And in consequence of this Article, I accept the Treaty from the date hereof, and it shall be maintained and preserved for ever.

I avail myself of the present occasion, my dear Brother, to express my satisfaction of the conduct which Mr. Hastie has continually held towards me and every one else. This worthy man is justly entitled to my recommendation, for he will have much contributed to the happiness of my Country. Should he succeed and prosper in his endeavours, I shall be greatly indebted to him; and I much admire his private character, which has drawn upon him the esteem and the friendship of all the Persons composing my Court. I have also to congratulate myself on the conduct of Brady, who has not ceased to perform his duty with the same diligence as heretofore, and thus continues to recommend himself by the same discipline and activity which he has observed in the instruction of his regiment.

In return for the articles of your Country, I send you 100 bullocks the produce of mine, which I beg you will accept as a mark of my individual friendship.

Having accepted the Treaty, I expect from your Excellency's friendship all the efforts of your influence in restraining the exporta-

tion of gunpowder to Madagascar; for this might induce fraudulent or clandestine proceedings on the part of the minor Powers, who in procuring this article would strive to disobey my Laws, and thus force me into a continual state of warfare.

Receive, my dear Brother, the assurance of my esteem, and of my particular friendship.

H. E. Governor Farquhar.

RADAMA MANZAKA.

(*Enclosure 4.*)—*Radama, King of Madagascar, to Governor Farquhar.*
(Translation.)

SIR, MY BROTHER,

Tananarivoux, 19th October, 1820.

CONFORMABLY to your request relative to Ratafique and Rahovi, I have deemed it expedient to dispatch to your Excellency, 2 of the most distinguished Persons of my Court, in whom both myself and my People have every confidence; and I have announced to them their departure to proceed to your Government.

Ratéfi, the eldest of the two, and whom I particularly recommend, is one of the principal Chiefs of my Country; he has some knowledge of our Correspondence, is charged with my interests, and is invested with Full Powers. The other, the younger of the two, named Adrien-simeseté, whom I also recommend to you, accompanies Ratéfi for the same purpose, is also charged with my interests in the same way as the other:—both of them are my Brothers-in-law, and they will personally make you acquainted with my new intentions on the subject of the Treaty.

Mr. Hastie not having been authorized to take upon himself to send these Persons to England, I have thought it more advisable to direct their proceeding to your Excellency, with a view to your so far obliging me by sending them to England, with the 10 individuals, as agreed upon with your Agent. It would be a guarantee of tranquillity and obedience, if, on their return, they could testify to my People the truth of that which has been promised; and if circumstances should prevent your sending both, I entreat you, my dear Brother, to do all in your power for Ratéfi; or should you only be enabled to despatch the 10, according to the agreement with Mr. Hastie, I would request you to include him in that number; but in case of impracticability, they will return here at such time as you may be pleased to desire.

I am, with all my heart, your friend and Brother,

H. E. Governor Farquhar.

RADAMA MANZAKA.

(Inclosure 5.)—*Proclamation of Radama, King of Madagascar, issued on the renewal of the Treaty of 1817, and published, together with the Proclamation of 23d October, 1817.* (Translation.)

RADAMA, King of Madagascar,

MOVED by the same principles of humanity which have animated the Sovereign of Great Britain and other Powers, to abolish and prohibit the exportation of Slaves, by these presents makes a Proclamation, in the which he forbids in a solemn manner all and every Person, to export the natives of Madagascar, under the penalty of themselves, in their own persons, being reduced to slavery.

The King Radama embraces the present occasion of calling upon all Persons of talent or profession to come and visit his Country, in order to prosecute their inquiries and researches as to the nature of its productions ; and to whom he gives a sacred assurance of his protection in their efforts and undertakings.

Given at Tananarivoux, this 11th October, 1820.

RADAMA MANZAKA.

Proclamation of Radama, King of Madagascar.

(Translation.)

INHABITANTS OF MADAGASCAR, *Tamatave, 23d October, 1817.*

YOU are none of you ignorant of the friendship we enjoy with the Governor of the Mauritius, and the devoted attachment we have avowed to him ; his attention, unlike that of all other Foreign Nations that have visited our shores, has been directed to increase our happiness and prosperity ; he has never deprived us of our rights or our properties, he has not suffered the White Men to carry off our children into Slavery ; he has sent us People to teach us arts and industry unknown before, to defend us against our Enemies, and to prevent famine by more extensive cultivation. We are happier and safer since the establishment of British Dominion in our neighbourhood ; and we are grateful to our good Father, who has produced for us these blessings.

His Nation and King have made Laws to prevent you from being carried out of your Island into Slavery ; and he has punished such of the Whites as have presumed to violate this Law.

He has called on us, to assist him in this work, for our own benefit ; and he has promised his powerful assistance to punish such as may be refractory or disobedient.

We willingly agree to this proposal of our Father, and we hereby declare, that if any of our Subjects, or Persons depending upon our power, shall henceforward be guilty of selling any Slave or other Person, for the purpose of being transported from the Island of Madagascar, the person guilty shall be punished, by being reduced to Slavery himself, and his property shall be forfeited to me.

Let my Subjects then, who have Slaves, employ them in planting rice and other provisions, and in taking care of their flocks, in collecting bees-wax and gums ; and in manufacturing cloths and other articles, which they can sell. I set them the first example myself, by abandoning the tax payable to me upon the sale of Slaves for exportation.

I direct my brother, Jean René, and other Chiefs upon the Sea Coast, to seize, for their own use and profit, all such Slaves as may be attempted to be exported, in their respective Provinces. They will also give every support and assistance to the Government Agent of Mauritius in the execution of his duties.

I command all my Subjects and Dependants, and invite all my Allies, to abstain from any maritime predatory excursion whatever ; and more particularly, neither to practise, nor allow of any attack or attempt upon the friends of our Ally the British Nation.

It has been usual to make an annual attack upon the Sultan of Johanna, and the Comoro Islands. Our good friend, the Governor of Mauritius, dissolved the meditated attack of last Year ; and we now join with him, in forbidding any further enmity to the King, or Inhabitants of the Comoro Archipelago, or other Islands on the Coast of Africa or North Archipelago, under the pain of our most severe displeasure, and of incurring the punishment due to Pirates, of whatever Nation or People they may be.

Such is my will, let it be known to every Inhabitant of this Island ; it is for their own happiness, and their own safety, to pay obedience to this Proclamation.

Tamatave, Island of Madagascar, 23d October, 1817.

RATZALIKA,	}	<i>Commissioners for Radama.</i>
RAMPOOLE,		
RAMANOU,		
RACIAHATO,		
RAMALAYA,		

(Inclosure 6.)—*Jean René, Chief of Tamatave, in Madagascar, to Governor Farquhar.*

GOVERNOR, (Translation.) 3d November, 1820.

I TAKE advantage of the return of your Agent, Mr. Hastie, to make you acquainted with the success that has attended his Mission to King Radama, whose good intentions you ought no longer to doubt ; he having decided on sending to your Government 2 of his Brothers-in-law, in whom he has placed the greatest confidence.

Ratéfi is a Prince in his own right, who, since the reign of Radama, has submitted to his authority, and by his good conduct has been appointed General in Chief of the King's Forces ; you are also to have 5 of the children of the most distinguished of the King's Ministers.

Therefore, from these proceedings, Sir, you may reckon upon a sacred and lasting friendship, which under your protection and assistance, will shortly produce an entire civilization in this Country.

I also inform you of the measures which I have considered necessary in this case to adopt, with a view of apprizing the Inhabitants of Tamatave and its Dependencies, of the recent intentions of King Radama with respect to the abolition of the Slave Trade in his Dominions, from this time for ever; and thus the wisest precautions have been taken for preventing and defeating every species of fraud in this matter for the future, on the part of those Persons who may be willing to infringe the Laws.

Mr. Hastie is entrusted to impart to you my opinion on the measures which seem to me the most efficacious for the future prevention and suppression of the exportation of Slaves.

I hope your Excellency will furnish me with some advice as to the precautions which I should use in regard to the individuals belonging to your Government, who are the more to be apprehended from their free and independent situation in this Country; but I am satisfied beforehand of your sentiments on this subject and confidently appeal to your better judgment.

Receive, Governor, the assurance of my sincere attachment; and believe me always, your friend, &c.

His Excellency Governor Farquhar.

JEAN RENÉ.

(Inclosure 7.)—Mr. Hastie to Governor Farquhar.

Sir,

Port Louis, 19th December, 1820.

I HAVE the honour to transmit to your Excellency, Letters dated the 16th, 25th, and 30th, of November, which I this day received by the *Matilda* from Mr. Hirst, whom your Excellency will observe, by my Diary, on the 28th October, I found expedient to send to a situation where he would most probably encounter, on their return, the Traffickers who had the temerity to proceed to Ovah (whilst I was there), for the purpose of counteracting your Excellency's views, and by a display of merchandize, particularly well selected, to excite the desire of the Natives, and induce them to withhold their consent from the measures, which they were aware must be the object of the Mission your Excellency was pleased to charge me with to the King.

Your Excellency will perceive by these Letters (in corroboration of which I have the testimony of the Passengers and Officers of the 2 Vessels that arrived yesterday), that these violators of their Country's Laws have totally failed in their object; and I beg permission to detail to your Excellency, the ruinous effect such failure must have on these daring illicit traders, as it must deter others from similar attempts.

By my Diary, your Excellency will notice, that on the 21st October, I met about 100 Marmites preceding Mr. Jude, which, with

the party accompanying him would make a total of near 200 ; and on the 23d October, I found a similar number encamped with Mr. Martini. The hire of a Marmite from the Coast to Ovah, is 12 dollars and provisions, which, at the lowest calculation for the time they were employed by the above Persons, must have cost 3 dollars, being, on the whole, 15 each. Your Excellency will find, by the annexed Letter from the Rev. Mr. Jones, that the Traders could not obtain their price for the merchandize they had in Ovah ; and by Mr. Hirst's Letter of the 16th November, you find the price defined.

As each of these Traders had means of purchasing about 400 Slaves, which would, on an average, have cost them 45 dollars per head, the following Statement will be applicable to both, and show the loss they must individually have sustained, exclusive of all personal expense :—

400 Slaves, at 45 dollars, is.....	18,000 Dollars.
3,000 pieces of blue cloth, bought at Mauritius or Bourbon, would cost 6 dollars per piece.....	18,000
Hire and Provisions of 200 Marmites	3,000
Expenses of Canoes, and presents to Chiefs on route.	1,000
	<hr/>
Total.....	22,000
Sale of 3,000 pieces of cloth, say may average at 4 dollars,	12,000
	<hr/>
Loss.....Dollars,	10,000

I have made the foregoing calculation on the most advantageous article for the Madagascar Trade, as it is well known that blue cloth has, till the Treaty was ratified (when the value was reduced to 5½ dollars per piece), been accepted at 10 dollars, in payments of every description, and I have rated the expenses on the lowest terms. I am satisfied the loss of 10,000 dollars must have occurred to each of the Persons alluded to, neither of whom were possessed of the quarter of that property, and will consequently not be able to obtain further credit, and it must deter the Merchants at Bourbon and this place risking their goods with such nefarious dealers.

In submitting these circumstances to your Excellency, I request leave to state, that the failures detailed may not prevent some further trials ; yet I am confident, that the precaution and sincerity of the King will occasion any such to be attended with equally unprofitable, or possibly even with fatal consequences.

I have, &c.

His Excellency Governor Farquhar.

JAMES HASTIE.

(*Sub-Inclosure 1.*)—*Mr. Hirst to Mr. Hastie.*

SIR,

Manambounte, 16th November, 1820.

ON account of ill health, I have for a few days been incapable of

submitting my Diary to you, nevertheless I assure you that the requisite attention has been paid in examining or questioning all Couriers from Ovah; and during the last 2 days I have arrived at the following intelligence; viz. that Mr. Harrie had bought 2 Slaves somewhere, but by an order from Radama he was forced to give them up, and take his money again. This morning I was informed that Mr. Martini had reduced the price of his cloth to 5 dollars a piece for blue, and 3 for a piece of white; but that the Natives, taking advantage of his situation, would only give him 3 dollars for a piece of blue, and 2 for a piece of white.

I am, &c.

James Hastie, Esq.

W. HIRST.

(Sub-Inclosure 2.)—*Mr. Hirst to Mr. Hastie.*

SIR,

Manambounte, 25th November, 1820.

ALL the intelligence which I have collected is invariably the same. Mr. Martini is yet at Ovah, though I am informed that he has made sale of the whole of his merchandize for money. I cannot understand what further detains him, but rather expect his appearance down the Country very soon. On the earliest information which I may receive of his being on the road, I intend removing immediately to Rannamafan. My health is nearly restored since I last wrote to you.

While writing these lines, 5 Ovahs have arrived from Ovah; they inform me that Mr. Martini has sold all his cloth, and is now waiting at Ovah to collect his money.

There have no Slaves passed me, neither to nor from.

I am, &c.

James Hastie, Esq.

W. HIRST.

(Sub-Inclosure 3.)—*Mr. Hirst to Mr. Hastie.*

SIR,

Manambounte, 30th November, 1820.

THIS morning at 11 o'clock, the undermentioned Traders passed through this Village on their way to Tamatave, viz. Mr. Harrie, Mr. Martini, Mr. Jude, and Mr. Cappala.

These 4 people came down from Ovah, but had not any Slaves at all with them. Their party consisted of 50 Marmites; I took notice of every one of them, each Individual was carrying his burthen, and passing at his own discretion.

I saw these people from the road's side, but I said nothing to the Traders, rather concealing myself from them; and from their Marmites, who were in the rear, I gained their names, and all the particulars I wanted.

I am in a very bad state of health, and shall set out for Tamatave to-morrow morning.

I am, &c.

James Hastie, Esq.

W. HIRST.

(*Sub-Inclosure 4.*)—*The Rev. D. Jones to Mr. Hastie.*

MY DEAR SIR,

Tananarive, 25th October, 1820.

LETTERS for you arrived here on the 23d instant, and were sent off after you very early yesterday morning. Radama keeps a strict look out. No Slaves can be sold; and the Persons who arrived here to buy Slaves before your departure, intend to depart to-day, as they can neither buy Slaves or sell their merchandize at the price they ask. With your Letters, arrived here the portrait of Louis XVIIIth for Radama, sent by the French Government. I am, &c.

James Hastie, Esq.

DAVID JONES.

The Portrait above alluded to, was sent with M. Havet, a Naturalist, who died on his route to Ovah.

(*Inclosure 8.*)—*The Rev. D. Jones to Governor Farquhar.*

SIR,

Tananarive, the Capital of Ovah, 17th October, 1820.

I TAKE the liberty to address you, as, contrary to my intention on taking leave of you at Mauritius, I have concluded on remaining here for a season. Mr. Hastie will acquaint you with the difficulties we experienced at the Coast, and the particulars that led to the Ratification of the Treaty proposed to Radama; for myself I have to add, that by the cool and steady system observed by Mr. Hastie, we left Tamatave on the 16th of September, the day first named for the purpose, and by his intimate knowledge of a People, who universally were pleased to see him, we arrived here on the 3d instant, and were received with all the honours known to these People, in a most gracious manner. I never witnessed a similar scene, nor can I describe the effects of joy which Radama evinced on receiving Mr. Hastie; and he most cordially greeted me, when introduced as his friend. Since our arrival, the acts of kindness that have come to my knowledge, exceed every thing that I could expect; and several instances prove these People truly grateful for past private services rendered their King, who proves himself worthy of that title, as his sole study is the instruction of his People, and the welfare of his Country.

From circumstances observed by me, previously to arriving here, I must say I am truly happy at the fortunate result of your Excellency's endeavours in favour of a People, who, I deem, by your measures, are now secured from exportation to a strange Country; and whose talents will, when brought forth, show much to the glory of the British Nation.

The anxiety and caution of the King is the strongest testimony of his sincerity; and his measures are such as must insure happiness to his Subjects, and prove him worthy of your regard. I must therefore express a wish, that the conclusion will meet your Excellency's approbation, as on it depends the salvation of millions, and will prevent the exportation of many souls that would be hurried into Slavery, if delay was admitted of.

The reasons that induce me to remain here are many: I find myself in much better health than I have enjoyed for some time; I find the climate fine, and an immense opening for doing good; here I can with certainty study the language, and forward the great work devolving upon me; and, on the whole, I consider that there is much less risk in remaining here, than undertaking the journey down and returning next year. I therefore trust that my decision will be approved of by you, as I can assure you that nothing induces me to stay, but the desire of furthering your Excellency's views respecting the evangelization and the civilization of these People, as well as those of the Society; and the glory and praise shall be ascribed to Him who is the King of Kings, and the universal Disposer of all things.

If it is your Excellency's wish that the second plan, which I had the honour to lay before you, should be effected, and that I should return for this purpose, I am ready and willing at your call. At the same time I believe, that my quitting this place before the arrival of another Missionary, will be attended with many inconveniences pernicious to the Mission. I purpose, with the enjoyment of life and health, to apply myself solely to the study of the language, that I may be able, at length, to review and correct the valuable Dictionary belonging to your Excellency, in order that it may be printed, for facilitating Persons in the knowledge of this tongue, who may be disposed to visit Madagascar. I wish, at the same time, to keep always in view the study of the grammatical order into which the language may be arranged, that the sacred Scriptures, and other books, may be translated into it for the temporal and eternal welfare of the Inhabitants of this extensive Island.

His Majesty, Radama, has given me his permission to write to the Missionary Society for so many Missionaries as I please, provided the number contain some good Artificers; and that he will give them every protection and liberty to exercise the functions of their office in his Dominions. He wishes that his Subjects should be instructed in religion, and in civilization also.

As Radama sends his People to the Mauritius to be placed, immediately on their arrival, to learn trades, and not for a school education, I consider Mr. Hastie a fitter Person than myself to take charge of them with this view; consequently I do not see any necessity of my assuming the office as proposed in your Instructions, as he himself must return, and can manage them without my assistance. But if any instructions in religion are to be given to them (which will be very desirable) Mr. Le Brun may do this, or another Missionary, if one is arrived, until my return.

As Mr. Hastie will be able to give your Excellency an account of every thing in the fullest extent, I need not enlarge further; but conclude that I shall always be willing and desirous to effect every plan of yours for the civilization and the eternal welfare of the Inhabitants of

this Island. Knowing that it will contribute to the praise and the glory of the Supreme Being, and an immortal honour to yourself.

I have the honour to be, &c.

H. E. Governor Farquhar.

DAVID JONES, *Missionary.*

AN ACCOUNT of the Total Capital of the FUNDED DEBT of Great Britain and Ireland, including the *Austrian* and *Portuguese* Loans, and including the Debt cancelled, as it stood on the 5th January in each Year, from the 5th January 1817, to the 5th January, 1821; distinguishing the Total Amount of Debt; Debt contracted in each Year; Debt redeemed in each Year; paid off, or transferred from the British to the Irish Funds; and the Total Unredeemed Debt; together with the Total Charge of the said Debt, including Annuities for Lives or Years; and also distinguishing the portion of the said Charge paid to the Commissioners for the Reduction of the National Debt, under the following Heads:

Years ended 5th January.	DEBT.				CHARGE.		
	TOTAL Amount of DEBT.	DEBT contracted in each Year.	DEBT redeemed in each Year, including £5. per cent. 1797, paid off.	TOTAL Unredeemed Debt.	CHARGE in respect of Unredeemed Debt.	CHARGE in respect of Redeemed Debt including Sinking Fund.	TOTAL CHARGE.
	£.	£.	£.	£.	£.	£.	£.
1818 - - -	1,149,094,404	(a) 3,193	19,460,981	776,742,403	29,310,455	14,596,684	43,907,139
1819 - - -	1,183,867,784	34,773,380	19,648,469	791,867,314	29,934,294	15,815,004	45,749,298
1820 - - -	1,218,172,654	34,304,869	31,191,701	794,980,482	29,789,658	16,987,397	46,777,055
1821 - - -	1,249,276,368	31,103,714	24,518,885	801,565,310	50,149,920	16,596,675	46,746,595

(a) Per 45 Geo. III. c. 43, for improving Post Roads in Ireland.

NOTE.—The Years ending 5th January, 1820 and 1821, include the whole Debt created in the Years 1819 and 1820, of which the Sinking Fund Loans formed a part; and therefore the Debt redeemed, includes the Capital Stock purchased by the Sinking Fund Loans of those Years.

The fractional parts of a Pound are excluded throughout this Account.

National Debt Office, }
12th February, 1821. }

S. HIGHAM,
Secretary.

AN ACCOUNT of the Total Amount of the Unfunded Debt of Great Britain, in Exchequer Bills, Navy Bills, and Ordnance Debentures; as it stood on the 5th of January in each Year, from the Year 1786 to 1821 inclusive; distinguishing the Amount issued for Interest and Sinking Fund on those Securities in each of those Years; and also, an Estimate of the Total Amount of Interest due on outstanding Securities on the 5th January, 1821.

YEARS. ended 5th January.	TOTAL Unfunded Debt.	CHARGE.		
		Issued for Interest.	Sinking Fund.	TOTAL CHARGE.
1786.....	8,687,023	330,031	—	330,031
1787.....	8,731,018	232,149	—	232,149
1788.....	8,896,808	168,866	—	168,866
1789.....	10,326,105	214,375	—	214,375
1790.....	11,474,135	342,405	—	342,405
1791.....	13,707,111	335,722	—	335,722
1792.....	12,239,787	419,761	—	419,761
1793.....	13,822,520	407,668	—	407,668
1794.....	17,049,773	408,763	—	408,763
1795.....	18,696,571	571,668	—	571,668
1796.....	23,864,924	541,938	—	541,938
1797.....	14,634,774	585,363	—	585,363
1798.....	15,666,789	453,104	—	453,104
1799.....	16,782,989	438,945	—	438,945
1800.....	22,909,182	1,119,888	—	1,119,888
1801.....	30,199,040	893,108	—	893,108
1802.....	23,752,051	1,264,284	—	1,264,284
1803.....	17,400,351	1,189,143	—	1,189,143
1804.....	21,510,692	862,110	—	862,110
1805.....	28,750,253	706,416	—	706,416
1806.....	30,977,518	1,579,248	—	1,579,248
1807.....	31,175,942	1,415,938	—	1,415,938
1808.....	35,636,118	1,680,532	—	1,680,532
1809.....	43,236,718	1,730,397	—	1,730,397
1810.....	42,966,287	1,995,593	—	1,995,593
1811.....	42,258,222	1,946,923	—	1,946,923
1812.....	45,522,755	1,693,190	—	1,693,190
1813.....	49,631,140	1,981,671	—	1,981,671
1814.....	51,787,218	2,243,321	195,000	2,438,321
1815.....	62,275,997	2,388,612	290,000	2,678,612
1816.....	44,222,509	3,113,530	277,500	3,391,030
1817.....	45,702,070	2,235,693	* 262,000	2,498,193
1818.....	57,340,509	1,730,410	312,500	2,042,910
1819.....	44,471,205	2,151,035	502,500	2,653,535
1820.....	37,666,442	689,698	462,500	1,152,198
1821.....	31,612,944	1,770,561	415,000	2,185,561
		Estimate of Interest due		
		1,603,733	1,603,733

* Note—The above Charges for Sinking Fund are included in the Charges for Sinking Fund in the Account of the Commissioners for the reduction of the National Debt.

Whitehall, Treasury Chambers,
2d March, 1821.

PROCLAMATION du Gouvernement des Iles Ioniennes, concernant le Blocus Turc depuis Messolonghi jusqu'à Avlona.—Corfou, le 23 Août, 1820.

(Traduction.)

SON Excellence le Lord Haut Commissaire, par intérim, ayant été informé officiellement par le Grand Capitan Bey, Commandant en Chef les Forces Navales Ottomanes, que les Côtes appartenant à l'Empire Ottoman, depuis Messolonghi jusqu'à Avlona inclusivement, ont été mises en état de Blocus, et sont même présentement bloquées par des Bâtimens de Guerre Turcs; il en donne avis par la présente.

En conséquence, tout Navire sous Pavillon Ionien, ne devra avoir dorénavant aucune espèce de communication avec un point quelconque de la Côte ci-dessus désignée, à moins qu'il ne soit pourvu, s'il est de Corfou, d'un Certificat revêtu de la Signature et du Sceau du Lord Haut Commissaire; et s'il dépend des autres Iles, d'un semblable Certificat délivré par les Résidens respectifs: il est en outre prescrit auxdits Bâtimens de se conformer aux dispositions suivantes, afin qu'ils ne soient pas inquiétés par les Croiseurs Ottomans:

I. Les Ports de Prevesa et Parga ayant été déclarés en état de Blocus très-sévère, aucune communication ne sera permise avec ces 2 Ports:

II. Les Ports de Messolonghi jusqu'à la pointe opposée à Sainte-Maure inclusivement, et les Ports de Gumenizza et Avlona, sont ouverts pour tous les objets de Commerce:

III. Les Ports de Sagiades, Buccintro et les autres Ports situés dans le voisinage de ceux-ci, sont, pendant le Blocus, ouverts seulement pour l'embarquement des denrées et bestiaux, sous les restrictions suivantes:

1. Tout Navire entrant dans l'un des Ports ci-dessus-désignés, ou en sortant, doit accoster le Bâtiment de Guerre Turc en Station, afin de déclarer la nature de son chargement:

2. Il est expressément défendu à tout Navire ou Barque, de transporter aucune personne autre que celles composant l'équipage:

3. Il est ordonné aux Navires ou Barques employés à la pêche, soit le long du rivage, ou dans la pêcherie de Buccintro, de s'y borner uniquement; et il ne devront se livrer à aucune autre sorte de commerce, autrement ils couraient le risque d'être capturés, et il ne leur serait donné aucune assistance:

4. Tout Navire dirigé sur l'un des Ports indiqués, n'y devra pas rester plus de 36 heures, à compter du moment de son arrivée, à moins qu'il n'y soit forcé par le tems contraire.

Les dispositions précédentes ont été arrêtées dans la vue de faciliter l'introduction des approvisionnemens destinés pour les Iles, et d'em-

pêcher que le Commerce n'éprouve de préjudice par l'effet du Blocus qui vient d'être établi.

Toute infraction auxdites dispositions exposera les Navires au danger d'être capturés, et fera encourir aux Patrons et équipages une sévère punition.

La présente sera imprimée et publiée, afin que personne n'en ignore.

Au Palais, Corfou, le 23 Août, 1820.

Par Ordre de Son Excellence,
SIDNEY G. OSBORNE, *Secrétaire du Lord*
Haut Commissaire, par Interim.

*LETTER from the Secretary of the Treasury to Congress,
in relation to the illicit introduction of Slaves into The
United States.—11th January, 1820.*

SIR, *Treasury Department, 11th January, 1820.*

IN obedience to a Resolution of the House of Representatives, of the 31st ultimo, directing the Secretary of the Treasury to lay before the House "Copies of such Communications as he may have received since 1816, and such information as he may possess, in relation to the illicit introduction of Slaves into The United States, with a Statement of the measures adopted to prevent the same," I have the honor to submit the enclosed Letters, from different Collectors of the Customs, to this Department.

It appears, from an examination of the Records of this Office, that no particular Instructions have ever been given, by the Secretary of the Treasury, under the original or supplementary Acts prohibiting the introduction of Slaves into The United States.

The general practice of the Department has been to confine its attention, and to limit its instructions, to cases arising under the Revenue Laws, except where, by directions of the President of The United States, the superintendence of other Laws has been specially required of it. No such duty has, in relation to the Laws prohibiting the introduction of Slaves into The United States, been required of the Secretary of the Treasury.

His Letter to the War and Navy Departments, of the 16th July, 1817, a Copy of which is also enclosed, was written during the absence of the President, under circumstances which did not admit of the delay necessary to obtain his direction and instruction. An additional reason for writing that Letter may be found in the fact that the other heads of

Department were absent, and the Officers exercising their functions, provisionally, were unwilling to incur the responsibility of the measures required by the occasion.

I have, &c.

*The Hon. Henry Clay, Speaker
of the House of Representatives.*

W. H. CRAWFORD.

(1.)—*The Collector of Savannah to the Secretary of the Treasury.*
SIR, *Savannah, 22d May, 1817.*

I HAVE just received information from a source on which I can implicitly rely, that it has already become the practice to introduce into the State of Georgia, across the St. Mary's River, from Amelia Island, East Florida, Africans, who have been carried into the Port of Fernandina, subsequent to the capture of it by the Patriot Army, now in possession of it.

As this species of traffic may be carried on for an indefinite period of time, without the interposition of Government, I have deemed it my duty to give you the earliest advice of it.

Immediately after the receipt of your Letter of 19th March last, I instructed Captain Smith to cruize with the Cutter to the southward as far as St. Mary's Bar, with a view of preventing the landing of such People on the sea board; but it is not in his power to guard the St. Mary's, which is the route for the introduction of them. It becomes more necessary for a Guard to be organized by Government, as this State has never legislated on the subject of the importation of Slaves; were the Legislature to pass an Act, giving compensation in some manner to Informers, it would have a tendency, in a great degree, to prevent the practice; as the thing now is, no Citizen will take the trouble of searching for and detecting the Slaves. I further understand, that the evil will not be confined altogether to Africans, but will be extended to the worst class of West India Slaves.

I am, &c.

The Hon. W. H. Crawford.

A. S. BULLOCK.

(2.)—*Instructions to the Secretaries of War and the Navy.*

SIR,

Treasury Department, 16th July, 1817.

FROM information recently received by this Department, there is just reason to believe that Sir Gregor M'Gregor has taken military possession of Amelia Island, in the name of the Spanish Patriots. Considering that the restless and adventurous of all Nations, and especially of the Island of St. Domingo, have ranged themselves under the banners of the different Leaders, by sea and land, who are engaged in the Civil War now raging between Spain and her Colonies, and that

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the Port of Fernandina will necessarily become the common rendezvous of all the Vessels sailing under the various Flags of the Spanish Provinces which have declared themselves independent, apprehensions are justly entertained by the Citizens of the Southern Section of the State of Georgia, that their peace and tranquillity will be disturbed, and their rights infringed, unless protected by the presence of a Force sufficient to command respect from the Troops thus expected to be congregated in their immediate neighborhood.

In addition to the circumstances already communicated, the disposition which has been manifested by the Vessels of Spain engaged in the African Slave Trade, to introduce, illicitly, into that Section of the Union, the Persons who, in the prosecution of their traffic, have been subjected to their control, seems to require the presence of a Force sufficient to enforce the due execution of the Laws against the introduction of Slaves into The United States. From the known character and conduct of the Leader of the enterprise against Amelia Island, there is just ground to apprehend that this illicit traffic, if continued, will, under his auspices, assume a bolder character; and, if abandoned, that it will be substituted by measures equally derogatory to the Laws, and more destructive of the rights and interests of the Citizens, of the eastern Section of the southern States. To guard against the unlawful introduction of Slaves, and to repress any attempt that may be made by the Foreign Belligerent Force, collected in that neighborhood, to excite domestic insurrection among the Blacks, it appears to me to be absolutely necessary that a Land and Naval Force be stationed at St. Mary's.

As the portion of East Florida immediately bordering on The United States is but sparsely, if at all, inhabited, the entrance of Vessels into the River St. Mary's, freighted with Slaves, can have no other object than the violation of our Laws, by covertly introducing a Population which is prohibited. Under such circumstances, and especially when the imbecility or indisposition of the Local Authorities to preserve the accustomed relations between independent States are considered, and, above all, the odious character of the traffic intended to be restrained, the seizure of every Vessel freighted with Slaves which shall be found in the River St. Mary's, or hovering upon our Coast, is respectfully submitted.

I have, &c.

The Secretaries of War and the Navy.

W. H. CRAWFORD.

(3.)—*The Collector of Savannah to the Secretary of the Treasury.*

SIR,

Savannah, 25th November, 1817.

I HAVE the honor of informing you that the Schooner *Tentativa*, reported to be under Spanish Colors, with 128 Slaves on board, was brought into this Port on the 19th instant, by a part of the Crew of

The United States' Vessel the *Saranac*, John H. Elton, Commander, having been captured by said Vessel, and at the time abandoned by her Crew. The *Tentativa* has been libelled by the Proctor for the Captors; and the Slaves, by order of the Court, delivered over to the Proctor for the Captors and the Collector of this Port, to be taken care of by them, until demanded by the competent Authority. This Order was procured by the Proctor for the Captors, with a view of preserving the lives of the Slaves, they being destitute of provisions and clothing, and must have perished had they been longer at Sea. 4 of them have already died, but the remaining part of them have been so disposed of as to insure comfort to them for the present. Under the Order of the Court, and the influence of humanity, it appears to be my duty to interest myself for the sufferers, and, having an estate near the City, I inquired of my Agent how many of these People he could accommodate with house-room, and upon his statement I have taken possession of 40 in number, all of whom I have clothed, and shall continue otherwise to succor, until demanded by the Competent Authority.

I have, &c.

The Hon. W. H. Crawford.

A. S. BULLOCK.

(4.)—*The Collector of Darien to the Secretary of the Treasury.*

*Collector's Office, District of Brunswick, Georgia,
Port of Darien, 14th March, 1818.*

SIR,

I HAD the honor to address you per last mail, and to enclose you Papers respecting 47 African Negroes, taken, by the Surveyor of Darien, from one Jared E. Groce, on their way to the Alabama Territory, through the Indian Nation, and 41 others at the Creek Agency, from the Negro Houses of the Agent for Indian Affairs. It is a painful duty, Sir, to express to you, that I am in possession of undoubted information, that African and West India Negroes are almost daily illicitly introduced into Georgia, for sale or settlement, or passing through it to the Territories of The United States, for similar purposes; these facts are notorious; and it is not unusual to see such Negroes in the streets of St. Mary's, and such too, recently captured by our Vessels of War, and ordered to Savannah, were illegally bartered by hundreds in that City; for this bartering or bonding, (as *it is called*, but in reality *selling*;) actually took place before any decision was passed by the Court respecting them. I cannot but again express to you, Sir, that these irregularities and mocking of the Laws by men who understand them, and who, it was presumed, would have respected them, are such, that it requires the immediate interposition of Congress to effect a suppression of this traffic; for, as things are, should a faithful Officer of Government apprehend such Negroes, to avoid the penalties imposed by the Laws the Proprietors disclaim them, and some Agent of

the Executive demands a delivery of the same to him, who may employ them as he pleases, or effect a sale by way of a Bond for the restoration of the Negroes when legally called on so to do; which Bond, it is *understood*, is to be *forfeited*, as the amount of the Bond is so much less than the value of the property. And again, Sir, an Officer disposed to perform his trust with fidelity, is placed at the mercy of the States; for, to carry the intention of the Federal Laws into execution, great expences may be incurred, and for which the State seems not to have made any provision, but has, by its own Law of the last Session of the Legislature, invested the Executive with the power of becoming a speculator on the exertions and integrity of such Federal Officers as feel the weight of their responsibility, and who are willing to perform their duty. For instance, Sir, after much fatigue, peril, and expence, 88 Africans are seized and brought by the Surveyor to Darien; they are demanded immediately by the Governor's Agent. Notwithstanding the knowledge which his Excellency had, that these very Africans were for some weeks within 60 miles of his Excellency's residence, (*the seat of Government*,) there was no effort, no stir made by him, his Agents, or Subordinate State Officers, to carry the Laws into execution; but no sooner than it was understood that a seizure had been effected by an Officer of The United States, a demand is made for them; and it is not difficult to perceive, by a compliance, that the very aggressors *may*, by a forfeiture of the *mock* Bond, be again placed in possession of the smuggled property, at but little additional expence to them, but at the entire ruin of the Officers who had executed, with fidelity, the Laws they felt bound to observe. There are many Negroes, (independent of those mentioned as having been bartered in Savannah, &c. before any decision had passed respecting them,) recently introduced into this State and the Alabama Territory, and which can be apprehended. The undertaking would be great; but, to be sensible that we shall possess your approbation, and that we are carrying the views and wishes of the Government into execution, is all we wish, and it shall be done, independently of every personal consideration.

I have, &c.

The Hon. W. H. Crawford.

WM. I. M'INTOSH.

(5.)—*The Collector of New Orleans to the Secretary of the Treasury.*
(Extract.) 17th April, 1818.

IT has been stated to me, on the authority of a Letter to a respectable Gentleman of this City, that there were 3 Schooners lying in the River Merineutau, belonging to Commodore Aury's Squadron, smuggling their Cargoes on shore.—The audacity of the piratical set, since they find Galveston has not been, and, as they say, will not be, suppressed, knows no bounds. In order to keep them somewhat more in

check, and to defeat their nefarious schemes as far as in my power, until Government aid us with such force as it may deem best suited to the purpose, I have determined to station an additional Revenue Boat and Crews, with an active and enterprising Officer, at and near Fort St. Philip, and to increase the Crew of the Boats at the Balize and Fort St. John. It will, I think, render their operations a little more difficult, and I confidently rely on your approbation. The additional expense can be no consideration. But no efforts of the Officers of the Customs alone can be effectual in preventing the introduction of Africans from the westward: to put a stop to that traffic, a Naval Force suitable to those waters is indispensable, and Vessels captured with Slaves ought not to be brought to this Port, but sent to some other in The United States for adjudication. Inclosed you will also find an Act passed by the Legislature of this State, respecting Slaves imported in violation of the Law of Congress, of 2d March, 1807. The object and policy of this Law require no comment from me. Vast numbers of Slaves will be introduced to an alarming extent, unless prompt and effectual measures are adopted by the General Government.

The Master of an American Schooner from Havana reports, that he was offered a full freight of Africans for this River, which he refused.
The Secretary of the Treasury.

(6.)—*The Collector of Darien to the Secretary of the Treasury.*

Collector's Office, District of Brunswick, Georgia.

SIR,

Port of Darien, 5th July, 1818.

ON the 14th March, I did myself the honor to address you on the subject of Africans illicitly introduced into The United States. Not being favored with a Reply, it may be proper for me to state, that, a demand being subsequently made, by the Executive of this State, for all such Africans in my possession, in compliance therewith I delivered over to his Agent 91 Negroes.

I have, &c.

The Hon. W. H. Crawford.

W. I. MINTOSH.

(7.)—*The Deputy Collector of Nova Iberia to the Secretary of the Treasury.*

(Extract.)

9th July, 1818.

BY Mr. Dick's advice, last Summer, I got out State Warrants, and had Negroes seized to the number of 18, which were a part of those stolen out of the custody of the Coroner, and the balance condemned by the District Judge of the State; and the Informers received their part of the nett proceeds from the State Treasurer. Five Negroes, that were seized about the said time, were tried at Opelousas, in May last, by the same Judge; he decided that some Spaniards (that were supposed to have set up a sham claim, stating that the Negroes had been

stolen from them on the High Seas) should have the Negroes, and that the Persons that seized them should pay one half the costs, and the State of Louisiana the other. This decision had such an effect as to render it almost impossible for me to obtain any assistance in that part of the Country. There has been lately up the Bayou Nementou 2 Schooners from Galveston; they sold a part of their Cargoes, and deposited the balance, and I could get no assistance to take them. I made 2 seizures of wine, a part of one of the Cargoes in the neighborhood of the Vermillion Bridge, about 20 miles to the westward of this place. I summoned assistance, a part of which refused to assist, a part deserted while guarding the property, and the balance not being sufficiently strong to protect it, it was taken from them the ensuing night. The Smugglers had forcibly prevented our removing the property in the day time.

(8.)—*The Deputy Collector of Nova Iberia to the Secretary of the Treasury.*

(Extract.)

27th September, 1818.

ON the 8th July last, Captain Amelung, with 18 of his Company, agreed to go with me to the Bayou Nementou, to suppress smuggling. On the day and succeeding night after our arrival there, we took 13 Prisoners that came armed to support Smugglers, &c. The next day we took one of their Vessels; set some hands to work in repairing her; and Captain Amelung returned to Nova Iberia for the balance of his Company; returned with them, and we proceeded on with 25 men to the Bayou Cureuseau. On our arrival there we made more Prisoners; seized 3 African Negroes, 2 Vessels, and part of their Cargoes. Runners had been sent ahead of us, and 5 or 6 Vessels run out of the Bayou a few days prior to our arrival there. A large number of African Negroes had been on that Bayou, 80 of which left there a short time before our arrival, and about 20 passed us the night before we arrived. We proceeded down the Cureuseau, and came round to the Bayou Nementou. Captain Amelung furnished me with a Lieutenant and 18 men, and returned by land to Nova Iberia with the balance of his Company. We proceeded with the Vessels down the Nementou; met a Felluche, commanded by one of Lafitte's Captains, off the mouth of the Bayou. The Captain took us for Smugglers; we got him on board of one of our Vessels, and, notwithstanding his directing his men in French, when he left his own Vessel, to cut their cable if he did not return with the Boat, run down our Boat, and kill every man on board, we boarded her after they cut their cable, and took her without the loss of one man. Her Cargo consists of coffee, cocoa, refined wax for candles, oil, dry goods, and about 10,000 lbs of quicksilver. I arrived here yesterday, having suffered much. During the line storm we lost 3 anchors, sprung one

mast, carried away our yards and sails. I left the Vessels in the Vermillion Bay; shall start immediately to bring them round to this place. If there was one small Cutter on this Coast, she would be of great service.

The Secretary of the Treasury.

(9.)—*The Collector of Mobile to the Secretary of the Treasury.*

SIR, *Collector's Office, Port of Mobile, 7th October, 1818.*

It is understood that Judge Webb, one of the Judges of this Territory, has resigned. Permit me, Sir, to suggest the importance of an early appointment to the vacancy, in order that the Person appointed might be present at the next Session of the General Court, on the first Monday of January next. There are now pending before that Court a number of Cases of very great importance to the public interest, particularly those of the 3 Vessels; their Cargoes, and upwards of 100 Slaves.

I hope the Attorney of The United States has informed the Treasury Department of the proceeding of the Court in these Cases; not having seen him since, I have not attempted a statement of proceedings, to me, so very strange. This, however, appears certain, that the Vessels and Cargoes and the Slaves have been delivered on Bonds, the former to the Owners, and the Slaves to 3 other Persons. The Grand Jury found true Bills against the Owners of the Vessels, Masters, and a Supercargo—all of whom are discharged, why or wherefore I cannot say, except that it could not be for want of proof against them.

It is certainly of great importance that these Cases be stamped with the full force of the Law, to prevent future importations. Two of the Vessels were cleared at Havana, for New Orleans, and one for this Port; and all American registered Vessels; the former at New Orleans, the latter at this Port.

Perhaps the magnitude and importance of these Cases would render it expedient to employ additional Counsel, in aid of The United States' Attorney, as he will be opposed by able Lawyers from New Orleans. Should you deem this proper, be pleased, Sir, to direct the sum which may be allowed.

I have, &c.

The Hon. W. H. Crawford.

ADDIN LEWIS.

SPEECH of the King, on the Opening of the Assembly of the States of Wirtemberg.—Stuttgart, 15th January, 1820.

(Translation.)

MOST SERENE, ILLUSTRIOUS, NOBLE, WORTHY, AND DEAR, SUBJECTS,

It is with feelings of great pleasure that I this day see assembled around me, for the first time since the happy establishment of the Constitution, my faithful States, summoned to advise with me for the good of the Country.

I meet you with the same feeling of confidence that unites me to my Wirtembergers.

It has given me the deepest satisfaction to hear from every part of the Country, on the completion of the Charter, that that feeling of confidence is met by sentiments of the truest attachment and affection. To myself they have been every where expressed in the most cordial manner.

This spirit of union and confidence affords the strongest assurance of the prosperous results of your councils.

Animated by a constant spirit of true patriotism, you will examine the subjects that come under your consideration with calm impartiality, and with due attention to all their bearings. I will ever turn a favourable ear to your suggestions and wishes, which have for their object the good of the Country; and in my decisions the happiness of my People shall be my only guide.

I have enjoined my Ministers to lay before you the projects of several Laws, and to request your advice upon some other important State affairs, particularly with regard to the settlement of the proportion of the Public Debt to be assessed upon the newly acquired Territory.

The present state of our Finances, when compared with the past, will, I hope, give you satisfaction; and it will afford you some gratification to learn, that my efforts to support and strengthen the Public Credit have been crowned with success.

Many years of warfare, an unprecedented scarcity, and, at the present time, a superabundance that is even injurious to the Landholder, continue to render necessary great sacrifices for the support of the public burthens.

Economy in every branch of the Administration will always be a fundamental principle of my Government. I consider it the duty of every Monarch to set the example himself; but a well-regulated economy cannot produce striking effects at once; existing rights must be respected; and, for the sake of the public weal, care must be taken that a reduction in the expenditure be not attended with more injurious consequences than the burthen it was intended to remove.

The perfect attainment of these important objects will rather be the work of the future than of the present time; for which reason you will at first be called upon to vote taxes only for the current financial Year.

The present recruiting system, the beneficial effects of which already begin to develop themselves very satisfactorily, is so constituted as to render necessary the partial renewal of the Army every year.

The Minister of War will communicate to you my propositions upon that subject.

Those propositions are based upon the dignity and independence of the State; and more particularly upon the duties that are imposed upon me as a member of the Germanic Confederation; duties which, in common with all others, I will faithfully discharge.

The urgent want of a uniform and consequently more equitable assessment of the Public Taxes, is deeply felt in Wirtemberg; but its accomplishment is most difficult.

I rely upon your judgment and patriotic zeal for giving to this important subject your particular attention.

I consider an arrangement of the order in which your proceedings are to be regulated, as the first object to which your attention ought to be directed. It is my wish, that, by a judicious commencement, you may speedily be enabled to lay before me a Draft of the proposed Regulations, for my Royal assent, in order that your labours, being brought into a systematic train, may proceed with suitable rapidity.

May those labours be performed in the spirit of our Constitution—the spirit of love and confidence. Then will you set the admirable example of an Assembly—not arraying itself in opposition to the Government, as though there were a struggle of clashing interests—but, with the wisdom and rectitude of former ages, meeting your Sovereign to consult freely upon the exigencies of the times and the public welfare; and, this friendly intercourse concluded, returning to your homes, rewarded by the approbation of your King, received with delight by your Fellow-citizens, and enjoying the grateful acknowledgments of your Contemporaries.

Then will you perform your sacred duty faithfully, and in the true sense of the oath you have just taken—in the sense in which I, likewise, understand it, and which declares the interests of the King and his Country to be one and indissoluble.

Then, in short, will you see my dearest wish accomplished: I shall be the happy Father of a happy People.

MESSAGE of the King, on the Closing of the Assembly of the States of Wirtemberg.—20th June, 1820.

GENTLEMEN,

(Translation.)

THE King has commanded me to prorogue this Chamber in His Majesty's Name. Conformably to the orders of His Majesty, you will re-assemble on the 1st of December next.

Before you separate, I am charged to inform you, that your several expositions of the wishes of this Chamber, relative to various objects regarding the administration of Government, have been laid before His Majesty. The King has not mistaken the patriotic source from which those wishes emanate, and His Majesty will even go beyond your expectations, in every measure which, aided by the lessons of experience, His Majesty may believe to be conformable to the good of the State, and which it may be possible to put into execution.

His Majesty has commanded me to confirm, in his name, all those assurances which his Ministers have given, provisionally, to the Chambers ; and I am particularly authorized to announce to you, with regard to the suppression of the Tax upon Saltpetre, which you have pointedly declared to be the anxious desire of your Fellow Citizens, that this Tax will not be included in the ensuing plan of Finance for the next 3 Years.

The King has already given orders for such reductions in the public expenditure, as are at present possible, without injuring the essential institutions of the State, or infringing on established rights. Upon this subject, His Majesty trusts that he may be enabled hereafter to meet, upon a more extended scale, the wishes of his faithful People.

The King has deeply felt, and thanks you, Gentlemen, for, your expressions of love, fidelity, and attachment, to his Person and the Constitution :—sentiments which you have evinced, during the whole course of this Session, not only by words, but by deeds. You have exposed with frankness that which you have considered as defective in the State, and in so doing you have been true to your vocation, and performed one of its most essential duties.

The King approves of candour and publicity, especially when, as at present, they are accompanied with a due respect for order and the established forms.

His Majesty is aware that no human Institutions are exempt from error, and that it is a duty to endeavour to bring them by degrees to perfection. It is for this reason, that His Majesty considers it as one of the essential advantages of this Constitution, that, where his eye cannot penetrate, the eyes of others are employed, and that voices are now heard, which have hitherto been silent, as to the best means of effecting ameliorations, which are both necessary and attainable.

His Majesty thanks you in his name, and in the name of the Country, for the manner in which you have performed your duties, by which you have so fully justified the confidence he reposed in you. You have not been led away by that turbulent spirit of innovation, which too often, and particularly in the restless times in which we live, seeks to destroy that which exists, merely because it does exist. You have not misunderstood the true spirit of a Constitutional Monarchy, nor the principle which is essential to the preservation of that form of

Government; and you have not failed to perceive, that that principle is in no way opposed to those improvements which are requisite in the Administration of the State.

The King thanks you particularly for the sentiments by which you have been guided in fixing the Civil List.

Return now, Gentlemen, into the bosom of your families; the esteem and the satisfaction of your King will accompany you. Your Fellow-Citizens will welcome you again with joy, and all your Cotemporaries (to whom you have given the great lesson, "that a Constitution, founded upon the basis of equal liberty, may be trusted to a noble and well-disposed People, without their abusing the confidence which has been reposed in them,") will hail your re-appearance amongst them with salutations of gratitude and love.

REPORT of the Minister of Finance, to the Chamber of Representatives of the Kingdom of Wirtemberg, accompanying the Budget of 1819, 1820.—20th January, 1820.

(Translation.)

THE publicity given to the condition of the Finances, constitutes, indisputably, one of the greatest benefits that Wirtemberg has derived from its new Constitution. This publicity, intimately connected as it is with the highest interests of society, sanctioned, not less by good policy than by the duties which the administration of the Public Property naturally imposes, and being, moreover, of absolute necessity, where the Representatives of a Nation are invested with the right of voting taxes, although unknown to the former Government of this Country, could no longer be withheld from the People of Wirtemberg. The right of examining the Public Accounts having, therefore, been secured to the People by the new Constitution, I have been ordered by His Majesty to lay before the Chamber the first Report on the administration of the Finances of this Kingdom.

The present state of the Finances is a necessary consequence of recent events. Efforts and sacrifices of every description during the last 20 years, and the repeated changes in our political connexions, could not but have a lasting influence upon the Finances: the happy results, however, of the salutary reform, which in a more fortunate period has been introduced into this branch of Government, dispense with the necessity of my entering into a detail of the effects of that melancholy period.

A new era commenced with the accession of King William to the Throne. It cannot be denied that the state of the Finances was then, in the highest degree, unfavourable, and threatened to become infinitely worse; when at that very critical period a dreadful calamity, an unpa-

rallied scarcity, afflicted the Country and demanded new and still greater sacrifices.

That calamity was met by the wise regulations of the Government, although at the sacrifice of the vital strength of the Country. The state of the Finances could not, therefore, but present a melancholy prospect for the future.

From that unfortunate period, the immediate State Property, one of the two sources to which the Administration of Finance can have recourse in cases of urgent necessity, escaped untouched; but to the already over-grown Debt bearing interest, a vast mass of arrears and outstanding demands had accumulated, the examination and entire or part satisfaction of which could no longer, with justice, be withheld. There was still another difficulty to contend against—an arrear of business had arisen from the pressure of the times, on the bringing up of which the subsistence of many families depended, and there was, in other respects, a want of regularity in the Exchequer. On the other hand, it became more and more evident that, of the greater part of the Public Establishments, some had been deprived, for a long time, of the most necessary aid; some in their internal regulations had not kept pace with the progress of the times, whilst others bore no longer any proportion to the increased extent of the Country and its new relations. Additional hands, reforms, new organizations, and fresh establishments, had therefore become indispensable.

These circumstances combined produced wants, to satisfy which, no other mode presented itself, than that of an appeal to the second of the two sources of the State Revenue, by further contributions from the private property of the Citizen. This, however, was already more exhausted than any other source.

Landed property, the chief wealth of Wirtemberg, had sunk greatly in its value; the Agriculturists, that numerous and estimable class, were weighed down by excessive burthens, which had stripped them alike of their capital and credit. The agricultural interest was rapidly on the decline. The cultivator of the soil, unnerved, poor and spiritless, looked around for assistance, in desponding inaction. The different trades in Towns, hitherto kept in activity by furnishing military supplies to the Armies, began to feel severely the change of things, and to require relief by a diminution of taxation. The Soldier, who had assisted his country in the struggle for peace and freedom, looked for reward. The Civilian, whose salary had not kept pace with the increased prices of commodities, expected a more equitable remuneration, as likewise provision for his widow and orphan children. The Creditor of the State demanded security and payment. The Poor claimed support. In such a state of things, how could additional Sums be demanded by the Government, or provided by the Citizen.

Such was the condition of the affairs of the Government, shortly after

His Majesty's accession to the Throne. Increased wants ;—decreased means. It was a difficult task, truly, for a Government to find the remedy for such a state of things. First of all it was necessary to relieve the prevailing distress, to appease hunger, and to support the poor ; and we are justified in saying that the Country retains a grateful recollection of what has been done in these respects. A separate and more detailed Account of the then existing *Fruit Institute*, its regulations and success, will be laid before the Chamber. For the present it may suffice to observe, that the Debt of the Country has not been increased by the Sum of 3,035,197 fl. disbursed by that Institute ;—it appearing from the Accounts now before you, that its Expenditure has been completely covered by its Receipts.

It was no less necessary to restore clearness and regularity to every branch of the Exchequer : the old system required alteration, and the new one to be placed upon a permanent footing. For this purpose, Special Commissions were appointed, to wind up the accounts of the preceding Government, and to provide for the liquidation of them, both on the Debtor and Creditor sides ; to assess upon the newly acquired Provinces their portion of the burthen of the State Debt ; to examine all reclamations ; to bring up the arrears of business, which constantly threatened to impede the progress of the new Government. By these means a way was prepared for the newly organized Finance Administration ; and in order that its operations and their results might always be clearly developed, a more simple form of keeping the Accounts was adopted, and the Civil List reduced into a more perspicuous system.

Nothing, however, lay nearer the heart of the King than a speedy and effectual improvement of the condition of the Agriculturist—thereby more firmly to secure the well-being of the whole Country. A simple reduction of Taxation was not sufficient for that purpose. Exhausted energies were to be restored ; depressed spirits revived ; the Agriculturist was to be re-instated in his full dignity as a member of the State, and his moral and physical powers brought to act in concert. To this end, the Peasant obtained the freedom of his person as well as of his property ; and, at the same time with the abolition of vassalage, the shaking off of the fetters of feudalism, the diminution of soccage, the restriction of the hunting privileges, the re-establishment of free migration, and the granting to every individual his full share in the regulation of the affairs of the parish to which he might belong, a long list of petty taxes, alike oppressive, in their mode of collection, both to the Agriculturist and the Tradesman, disappeared.

The poll-tax, stamp-duty, land-tax, contributions to the public studs, and the dog-tax, the customs on colonial produce, on iron, wine, staple commodities, madder, and several other articles, were either wholly removed or lessened ; the Transit-duty, and the excise duty

on many articles, were also reduced. Above all, most effectual means were taken to remove that inequality in the assessment of the direct taxes, which had hitherto operated more injuriously on landed property, than the magnitude of the taxes themselves.

In the same conciliatory spirit, every claim was complied with which was founded in justice and recommended by equity and the public good. The Civil Officers obtained a more suitable income; improvements were introduced into the Army; an Institution for Pensions was established; relief was afforded to the existing Public Schools, and new ones were founded. The agricultural School at Hohenheim;—the Foresters' School at Stutgardt; the Professorship of Political Economy, and the Catholic Boarding School, at Tubingen; the Theological College at Rottenburg; the enlargement of other Colleges; the Grammar Schools at Stutgardt; and the Schools of Industry throughout the Country;—are all so many proofs of the extended solicitude of the Government, and justify our hopes of the future prosperity of the Country.

We must, however, refrain from detailing each particular feature of the beautiful picture, which the most recent history of Wirtemberg presents, of the unremitting efforts of the Government to satisfy the wants of the State, and to ameliorate the condition, and secure the national prosperity, of a well deserving people. On one subject, however, it will be necessary to dwell somewhat longer, which, as it embraces the interests of all classes, is more than any other calculated to serve as a criterion of our present Financial situation, and of our future expectations. I allude to the National Debt.

The National Debt is divided into:

1. The arrears of payment (current Debts).
2. The principal Debt bearing interest.

1.—Arrears of Payment.

During the time of War and of scarcity, a great portion of the national Expenditure remained unpaid. The Arrears amounted, at the time of the accession of His Majesty, to several millions; it would be impossible, however, to fix their exact amount, as new demands and new claims are constantly presenting themselves for liquidation.

The introduction of a new and lasting reform in the Exchequer, necessitated an arrangement. It was, however, the will of the King, that this should be done without a new burthen of Taxation, or an increase of the principal Debt bearing interest.

The Arrears in question were due from several branches of the Administration.

1. In the War Department their amount was, by a Special Commission, fixed at 1,085,757 fl. 57 kr.

These are now paid off.

2. The Exchequer owed 680,172 fl. 5 kr.

This sum is likewise liquidated.

3. All the sums, which, in the other principal and special Departments, had remained in arrear, up to the year 1816, were brought into the newly established *Arrearage Department*, where they were secured upon the Arrears due to the Government, and placed under the management of a Special Commission.

At the beginning of the current Financial Year, that Department had already paid in cash, 546,823 fl. 36 kr.

	fl.	kr.
Its Capital consisted in Arrears (good and bad), amounting to	4,220,271	42
Its Debt, including 500,000 fl. for reclamations, and 350,000 fl. set apart for the subsequently established <i>Reserve Fund</i> , was estimated at.....	1,587,624	42
So that there would be a surplus ofFlorins,	2,632,647	0

Among the Credits, however, there are not only many important items, for the most part of long standing which are either doubtful or bad; but the amount of Arrears due from the Government, is, moreover, constantly increasing, from a further examination of outstanding old accounts and reclamations. The net surplus, therefore, which may remain after meeting all demands upon that Department, cannot be estimated with any degree of precision.

4. The following circumstances gave rise to the above-mentioned Reserve Fund, which will be consolidated with the *Arrearage Department*, when all claims upon it shall have been liquidated.

The years of scarcity and dearth, from 1816 to 1818, demanded fresh and very great sacrifices on the part of the Government, while the impoverished People continued in arrear with their contributions. New debts on the part of the Government were consequently incurred, and it found itself compelled to contract Loans;—the preceding Administration had, moreover, applied to the current Expenditure a part of the French Contribution, which was now reclaimed for its legal destination.

The necessity, was, at the same time, more strongly than ever felt, of establishing a Reserve Fund, which, if once realized, would serve to provide the Finance Administration with ready means of assistance, in times of scarcity and of sudden and extraordinary exigencies of the State; placing it, thereby, beyond the deplorable alternative of either abandoning the people in the time of distress, or of exacting from them new Taxes and Contributions, at a period when they might not be able to pay the ordinary charges, and at the risk of a most pernicious delay.

In order, therefore, to effect so desirable an object; to secure the new Unfunded Debt, without infringing upon the right granted to the old Creditors on the Arrearage Department; to replace the Money which, according to § 3 of the Statute for the payment of the Public Debt (of the 6th of June, 1816,) had been expended of the French Contribution; and for the purpose of meeting cases of urgency;—the Reserve Fund was established.

It was to be composed of:

- a*, The Arrears due to the Government for the years 1816 to 1818;
- b*, The sale of property at its disposal, with the exception of the stock of farming establishments;
- c*, The produce of the sale of superfluous buildings and building materials; and,
- d*, The surplus likely to result from the Arrearage Department, after the discharge of all its obligations.

	fl.	kr.
At the close of the year 1819, this Fund had paid.....	332,518	47
Its Capital consisted of	3,402,792	27
It has paid into the Exchequer, for the service of the current year	200,000	
Leaving in hand.....	Florins 3,202,792	27
There has been set apart for Debts	1,464,762	29
So that, including the sum of 500,000 fl. which had been previously destined for the Public Treasure, the clear property of the Reserve Fund would amount to.....	Florins 1,738,029	58

Although the commencement of its operations has shown, that this sum will be materially diminished by bad Debts and Arrears, it is hoped, that, after the final liquidation, there will be left, at least, a surplus of 1,000,000; and the Fund promises eventually to afford to the Administration of Finance, and to the Tax-payer, the above-mentioned advantages.

The above are the provisions made for the payment of Arrears up to the end of the year 1818. On balancing the Account of the year 1819, the Arrears of that year were calculated at 1,492,570 fl. 22 kr. which, however, are fully covered by the value of the stores of natural produce, and the Arrears due to the Government, for the same period, amounting in the aggregate to about 2,385,136 fl. 6 kr.

2.—*Principal Debt bearing Interest.*

In the year 1806, when, in consequence of the union of the different Provinces, the Debts of the Country were likewise consolidated into

one General Department for the administration of the Public Debt, the different Sums owing were :

	fl.	kr.	hl.
By the former States of Old Wirtemberg.....	4,667,982	19	2
By the Department for the liquidation of the united seigneurial and territorial Debts	1,388,227	45	0
By the War Department.....	3,581,417	30	0
By the Exchequer or Treasury.....	3,288,794	31	3
By the Church Department.....	1,000,601	0	0
By the Highway (<i>Chaussée</i>) Department.....	207,450	0	0
By the General Administration and Exchequer of Ellwanger or New Wirtemberg	1,524,823	53	1
	Florins	15,659,296	59 0

From this sum must be deducted the amount of the mutual Claims of these different Departments, annulled by their consolidation, and amounting to	308,193	45	3
Residue.....	Florins	15,351,103	13 3

which, in the course of the first financial year, from St. George's Day, 1807, to St. George's Day, 1808, was decreased by alienations to..... Florins...15,312,970 32 3

From that period to the year 1816, this Debt was
increased by the sum of.....Florins 11,650,493 52 0

which arose in the following manner :

a. By subsequent charges, admitted in consequence of the previous union of the Church Department and that of the New Wirtemberg Exchequer	161,223	25	
b. By the new acquisitions of Territory, and the compromise with the mediatised Powers.	7,867,352	47½	
c. By the acquisition of the Salt Works of Halle...	757,454	52½	
d. By the purchase of Hirschlatt and a part of Adelmannsfelden	118,637	47	
e. By the subsequent admission of arrears due from Government, and bearing interest, including the Loan contracted in the year 1814, and connected with the property-tax.	1,638,988	27	
f. By the consolidation of the Security-capitals hitherto kept separate.....	1,106,836	35	
	Florins	11,650,493	52

With this addition the Public Debt amounted to... 26,963,464 24
It was however, partly by cash payments, and partly
by a balance of credits, amounting in all to..... 1,632,362 8
decreased to Florins... 25,331,102 16
[1819—20.] 3 N

As this sum includes 1,141,936 fl. 42 kr. old Capital paying half-interest, the principal and interest of which can be claimed only to half the amount of the nominal value, the Debt was, in effect, reduced to

Florins 24,760,133 55

At that period, the Statute of the 6th of June, 1816, for the liquidation of the Debt, was passed. Its enactments, and its beneficial operation, both for the Public Creditor and the Public Credit, are well known. The effect of this Statute upon the magnitude of the Public Debt, could not but be soon evident, solicitous as the Government was to carry its provisions into full execution.

In the period, from 1816 to the last day of June, 1819, the Debt obtained, it is true, another increase, fl. kr.

a. From previous acquisitions.	339,982	10
b. From acquisitions by purchase.....	25,000	00
c. From redeemable Obligations issued by the Arrearage Department...	290,000	00
d. From the Fund arising from Military Pension Subscriptions, which had been applied to the payment of reclaimed Capital.....	357,100	00

Florins... 1,012,082 10

Whereby the gross amount of the Debt became... 25,772,216 5

On the other hand there was paid, during the same

period 3,523,909 56

so that at the close of the last financial year (30 June, 1819) the Debt amounted only to 22,248,306 9

And, after deducting, for Credits bearing interest..... 352,685 30

it was reduced to.....Florins... 21,895,620 39

of which only 1,436,367 fl. 15 kr. was due to Foreign Countries.

This amount of Debt may, it is true, soon be increased by a few millions, after the examination, by a General Commission, of the Public Debts of several of the Provinces. It must be remembered, however, that, on the other hand, the Budget shows that there will be paid in the course of the current Year 769,899 26

and that, for the same purpose, there will be forthcoming

in the course of next Year, partly from the Reserve Fund,

and partly from the Kingdom of France, the Sum of..... 748,121 55

Total 1,518,021 21

The above, Noble Chamber, is the state of our Public Debt. Of the whole amount of the current Debt, arrears and reclamations, a portion is paid, and the residue is sufficiently covered. The principal Debt bearing interest is so far reduced, as to afford to the People the consolatory prospect of seeing themselves gradually relieved from this burthen,

and by moderate imposts, the details of which will be settled more precisely by the Statute about to be submitted to the Chamber. In addition to this, arrangements have been made for the establishment of a Reserve Fund, which, when realized, will offer to the Administration of Finance an ever ready and efficient resource in years of scarcity and extraordinary calamity, and prevent its being reduced to the necessity of contracting Loans, or increasing the amount of taxation.

If we add together the Sums that have been paid in cash since the Accession of His Majesty, without taking into the account those items that have been settled by compromise and consignment, we shall have a total of 5,138,335 fl. 25 kr. ; and this at a time when several hundred thousands of florins for taxes, long in arrear, have been remitted ;—when, during the period of dearth, fruit to the value of 166,856 fl. has been presented gratis to the Fruit Institute ;—when the wine arrears, that had arisen during the period of scarcity, amounting to the value of 133,000 fl., were discharged after the first plentiful vintage ;—when the deficit of the Fruit Institute, amounting to 572,240 fl., was covered ;—and when, (besides the amelioration of personal services of every kind,) the yearly imposts upon the Subject have been permanently reduced by a sum which, including the objects embraced by the Tax Act of 7th August, 1818, amounts to 500,000 Florins.

All this has been accomplished without having recourse to burthensome Loans, or the alienation of the farming-stock belonging to the immediate property of the State. In the period prior to 1816, the Public Debt was, it is true, (independent of the Security-capital, which had been disposed of,) increased, by Loans, about 1,638,988 fl. 27 kr. During the same period, however, an amount almost equal thereto (1,632,362 fl. 8 kr.) was liquidated, partly by cash payments, and partly by compromise. And even the Security-Capital was principally applied towards the purchase of Annuities and other special State purposes. From the years 1806 to 1819, the Treasury has likewise derived the Sum of 1,762,369 fl. 29 kr. from a judicious alienation of detached and unnecessary portions of the farming stock ; a much larger sum, however, amounting to 2,533,012 fl. 6 kr. has been expended during the same period in the restoration and enlargement of it.

The question naturally suggests itself,—how is it possible that all this can have been done, in a small State, in so short a time, and under such circumstances ? We answer : it has been accomplished through the love of the King for his People,—through the wisdom of his measures,—and the vigour with which he has carried them into effect. His love and noble adhesion to simplicity, his self-denial, have spared the Country countless sums. His wisdom taught him to sow betimes, in order that he might reap early, and his firmness caused him, for the attainment of this great object, not to shrink from temporary difficulties.

Doubtless such great results could not be obtained without consi-

derable sacrifices. It was necessary to concentrate all our resources; and while to each was conscientiously allotted its peculiar destination, the whole of them were withdrawn from the current service.

Besides that this service will, in future, be deprived of those aids which it formerly derived, from the larger amount of the old arrears due to the Government, of capital bearing interest, and of the produce of casual sales and valuable stores; the income of the Country has considerably decreased, owing to the remission of taxes, without a proportionate reduction being made, in the burthen of pensions and allowances, which fall upon the Government with the new acquisitions of territory. The balance of the Receipt against the Expenditure is, consequently, suspended; and, as His Majesty has considered it most expedient to advise with you, his faithful States, upon the means to be adopted in order to restore this temporarily-suspended balance, the results of the efforts and sacrifices that have been hitherto made for this purpose, will appear in the Budget of the Year 1819, 1820, which I have now to lay before this noble Chamber.

The Income of the State for the present Year, according to the Budget forming the Supplement to this Report,

amounts to 10,028,453 fl. 58½ kr.

The Expenditure to..... 10,542,521 fl. 18 kr.

Leaving a deficit of.....Florins 514,067 fl. 19¼ kr.

Before I proceed to a consideration of the means by which the deficiency in the Income of the present Year may be covered, it is advisable that I should submit to you the following

Explanatory Remarks upon the different Branches contained in the Account of the Administration of Finance.

(I. A.) *Direct Taxes.* Their gross amount, of which hitherto but a third part has been in reality demanded, is calculated upon the average of the last 6 years. The charge of collection falls upon the different District Funds. They consist of the taxes upon landed property and houses, and the imposts upon trades, and are considered, so long as the municipal and corporation taxes continue on the ordinary peace establishment, as the most moderate of all. One-fourth part of the whole amount of these taxes is levied upon houses and trades, and three-fourths upon the taxable landed property, consisting of about 4,500,000 acres, being, upon the average, 24 kr. upon each acre, or ⅔ per cent, calculating the value of the fee-simple of each acre at 75 fl. The unequal assessment of these taxes is, however, oppressive; and complaints have long been made upon this head, which have become far more loud since new Territory, with taxes of a totally different nature, have been ingrafted upon the Parent Country. From this period, the Government has apportioned the yearly amount of these taxes according to a provisional scale, calculated upon the average means of

every Bailiwick. These Bailiwicks apportion their quota of the burthen among the several Communities of which they are composed, according to a scale no less unequal, and these again distribute their portion among the individual tax-payers, according to their more ancient local customs. Hence it arises, that objects of a similar nature are taxed three or four times more highly in one place than in another; and that in one Community an article will even go altogether untaxed, while in another it is subject to taxation. In proportion to the inability of the Government to afford assistance in individual instances of oppressive taxation, the more urgently justice calls for an equal apportionment of the public burthens, the more imperative becomes the necessity for a thorough reform in the system of taxation; a reform which has been already too long delayed by the circumstances of former years. Many preparatory measures have already been taken towards this end,—the separation of the land-tax from the taxes on houses and trades has been pronounced by Law;—the materials for the formation of the Tax Registers of the two latter are already collected,—the surveys for the Land Tax Register have been commenced,—and the principles according to which the whole is to be conducted, are in readiness, and will be communicated to your Noble Chamber with detailed explanations. His Majesty relies upon his faithful States, in the full confidence that they will apply the whole force of their well-stored and matured minds to a subject, in which his personal feelings are as deeply concerned as the welfare of his People.

(I. B.) *Indirect Taxes.* Their amount has decreased during the period of the present Administration, and they have, for the most part, been confined to the same objects, upon which the Country has been accustomed to see them charged for several centuries past. The Tariffs have been reduced in order to meet the exigencies of trade and the wishes of the People; and, as the formation of the system of direct taxation proceeds, further means of beneficial reform will present itself. The greatest simplicity has been adopted that was compatible with the vast variety of details comprehended in the administration of these taxes, so that the charges for collection have been reduced to a moderate per-centage.

The following facts deserve particular mention :

(a) *The Toll* in Wirtemberg is equally distinguished for its moderation, and the easy mode of its collection. The *primary Expenses* specified in the Budget include even 57,055 fl. of returned tolls.

(b) *In the Excise*, the Licences paid for Patents by tradesmen and mechanics, will cease after the establishment of the Trade Tax Register.

(c) *In the Highway Tolls*, the reduction of burthensome toll-houses, and the moderation of the imposts upon Waggoners, have considerably relieved trade. The Revenue, on the other hand, is improving from the increased number of beasts of burden.

(d) *The Retail Excise* is one of the oldest taxes upon articles of consumption, and, perhaps, the least oppressive. Its somewhat unwieldy administration is gradually becoming less onerous, through the system of compounding lately adopted in this Department.

(e, f.) Of the *Miscellaneous Taxes*, and the *Stamp Duty*, the most oppressive portion is removed; and the remainder has been considerably lessened.

(g) In the *Salt Tax*, the interests of the Finance Administration are combined with those of the People. Although in many parts of the Kingdom salt is now sold cheaper than heretofore, (a circumstance which has introduced a greater activity into this branch of trade,) the Finances, notwithstanding, derive a considerable revenue from this article.

(h) The opinions on the management of the *Tobacco Department* are more divided. The revenue resulting from it is decreasing at the present time; and this subject will be laid before the Chamber for its more particular consideration.

II. *The State Domains* form one of the most important sources of the Revenue. The Estates of the Old-Wirtemberg evangelical-church have hitherto been united with them.

A. That portion of the revenue of these domains which is placed under the administration of the Branch Offices of the Exchequer, embraces the income of the landed property of the State, the tithe, rent, and feudal imposts, as well as the juridical and other seigneurial rights. Two-thirds of this income must be paid in fruit and wine, which has hitherto rendered its administration very tedious, expensive, and in a great degree uncertain. In consequence of these objections, the Government has determined upon the sale of such detached portions of the State property as prove unprofitable in their hands, but may become productive in the hands of private Individuals:—but above all they have resolved upon the introduction of a more simple and more appropriate mode for its administration. For the same reason, all unnecessary buildings, all trades that have hitherto been under the management of the Exchequer, the vineyards and arable lands will be sold to private persons, wherever the good of the community requires it, where there is a prospect of rendering them more productive, or where the expenses of cultivation have hitherto exceeded the receipts;—the remainder will be let to farm, and placed under the superintendence of the Inspector of Domains. The Tithes will, so far as may be compatible with the nature of the impost, be farmed out to Communities for several years, or converted into money payments. Soccage is abolished, and the burthensome part of the imposts on copyhold and feudal property is declared to be redeemable. No new taxes of a similar nature can be introduced. The beneficial effect of the Edict of the 18th November, 1817, have been particularly felt in the Districts of the Danube and Jaxt. Since that period, 992 copyholds (consisting

of 1591 houses, and 31,225 acres of arable land,) have been converted into freehold, with equal advantage to the Exchequer and the owner.

With these measures, which have of themselves introduced a more simple mode of administration, a more central system of purveyance has been established; and the imposts are now only received in kind, so far as, after the most exact calculation, may be considered necessary for consumption. By this means a diminution in the number of Public Officers and the expenses of administration (stated in the Budget to amount to 47,797 fl. primary expenses,) has already been effected, and an opening made for further reductions. The income from the Domains will, however, always be subject to many casualties; and, although the estimated quantity of natural produce inserted in the Budget has proved to be correct, the depression of price, which, in the Budget of the preceding year, had occasioned a deficit of 266,540 fl. 19 kr. still continues up to the present time, thus forcing upon us the necessity of securing for the Exchequer some extraordinary relief.

B. The Forest Revenue, which has to meet 144,864 fl. primary expenses, will, in proportion as the effects of the new regulations develop themselves, gradually become more justly proportioned to its expenses. The revision suggested by the Organization-Edict of the 7th June 1818, has been commenced. The free chace has been re-established, wherever no farther examination of legal objections was considered necessary. The right of granting hunting licenses has been, for the most part, farmed out. Mild regulations have been laid down for the hunting service, which, moreover, may be compounded for.

C. In the Royal Mines, Smelting Houses, and Foundries, science has made considerable progress. The iron and steel manufactures have greatly improved, so that their sale is secured, notwithstanding the duty upon the Foreign article has been reduced. The profit resulting from the capital employed in these works satisfies the most sanguine expectations, and facilitates their further improvement.

D. The Salt Works of the Kingdom are most successful. The newly commenced salt works near Jaxtfeld already furnish the means for the erection of the extensive buildings, which the establishment of these works renders necessary. Wirtemberg is approaching the happy period when it will no longer depend upon Foreign sources for the indispensable article of Salt, which has hitherto taken out of the Country more than 500,000 fl. yearly.

III. *A. Post Office*.—The family of the mediatized Princes of Taxis made considerable claims for compensation, on account of the Posts of the Country having been taken from them in the year 1805, which claims were founded on Article XVII,* of the German Act of Federation. On the other hand the internal communication demanded the re-establishment of the country-post messengers. In order to meet both demands, with the least possible expense to the Exchequer, the

* Sec Act, No. 9, annexed to the Vienna Congress Treaty of 9th June, 1815.

Convention of 8th August, 1819, was entered into, whereby these matters were arranged, and a yearly revenue of 70,000 fl. secured to the Exchequer.

B. *The Saltpetre Works* supply the War Department with the necessary quantity of saltpetre; and as they are farmed out to District Corporations, the former complaints of the mode of their management have been silenced.

IV. *The Law perquisites in Courts and Bailiwicks*, by the new organization of the Bailiwicks, are made to contribute towards the increased expense on the score of salaries, incurred under the improved mode of administering justice. The revenue arising from them is stated in the Budget, according to a general estimate, which experience will rectify.

V. 200,000 fl. of the *Residuary Capital*, of the years 1816 to 1818, have been transferred to the Exchequer by the Reserve Fund Department, to which the management of it was committed.

VI. The estimate of the *Aids for the Liquidation of Debt* derived from the French Contributions, is founded upon the fixed periods of payment, and the well secured interest. More than was due for the current year has been already received, and has been applied according to its destination.

In order to comply with the requisitions of the Statute of 1816, at a time when the ordinary receipts are not sufficient for the current service, a part of the revenue arising from the redemption of feudal imposts, and other alienations, has been appropriated to reduce, according to that Statute, the amount of the Public Debt.

The above is the state of the Public Receipts. On these depends the

Expenditure.

I. *Civil List*.—The first and most sacred expenditure, is that which the Nation claims for its King and the dignity of the Throne. By the Charter the King has confined himself to a Civil List, abandoning the State Property to the General Administration of the Country. He has fixed the yearly amount of the Civil List at 800,000 fl.; and, although I am not, in this place, disposed to draw comparisons, yet, in order to give some idea of the sacrifices which the King has made to the happiness of the Nation, I cannot refrain from observing, that the revenue which he derives from the Crown Property, which, at the accession of His Majesty, amounted to 344,000 fl., has of late decreased, after an exact calculation, to 200,000 fl.; and that his Seigniorial rights bear a considerable burthen of pensions, and are moreover subjected to the payment of Taxes: the other Royal Revenues have been abandoned to the Exchequer.

II. *The Appanages* for the Members of the Royal Family, and the Dowry of Her Majesty the Queen Dowager, are fixed by the regulations of the Royal Household.

III. *Public Debt*.—At the beginning of the present financial year the Public Debt amounted, after the deduction of the Credits bearing interest, to 21,895,620

To this must be added the different Debts contracted in the course of the year 2,049,560

And the total amount of the Public Debt will be _____

fixed at Florins, 23,945,180

And the sum required for the payment of the interest _____

will be.....Florins... 1,197,259

It was the more necessary to include the latter sum in the Budget, as, according to previous regulations, and by anticipation upon the future decrease of the Debt, supplies had been already granted to several Public Institutions.

All sums that, in the course of the year, shall be received from the French Contribution, are, by Statute, to be applied to the liquidation of the Debt. The two Statutes of 1816 and 1817, moreover, direct, that the interest of the total amount of the Public Debt, from the year 1816, shall, without any alteration, be set apart, for the space of 5 years, and that any surplus that may remain, shall be applied to the liquidation of the Debt. Since 1816, its highest amount, including the above-mentioned 2,049,560 fl., has been 27,000,000 fl.; which would require 1,350,000 fl. for the payment of interest. As the interest of the current year, however, amounted to 1,197,259 fl. only, there remains for the liquidation of Debt, a surplus of 152,741 fl.

The Statute of 1817 further directs, that a tenth part of the amount of interest, shall, in addition, be applied to the liquidation of Debt. The proceeds of the French Contribution, however, having hitherto been more than sufficient for this purpose, this provision has not, as yet, been carried into operation.

IV. *The Annuities* charged upon the Exchequer are grounded partly on the Imperial compromise of 1803, and partly on private right.

V. In like manner the *Compensations* granted for Tonnage Licence-Duty, and other rights, are grounded upon previous legal provisions and amicable arrangements with the individuals interested therein.

VI. The *Pensions* have arisen partly from the acquisitions of Territory since the year 1803, partly from other causes, but principally from the establishment of the Pension Institute, guaranteed by the Charter. In the amount of the pensions of the first description, which, at present, constitute by far the larger portion, a gradual decrease is taking place, which, even in a short time, will lead to a considerable saving.

No estimate can, as yet, be formed of the results of the Pension-Institute established in the month of November 1817. It is, however, evident, that, even for the latter kind of pensions, the supplies required from the Exchequer must decrease, as soon as the pensions shall be limited to the Widows and Orphan-children of those Officers, who,

from the commencement of their service, have contributed to the Fund of the Pension-Institute.

VII. The support of certain *Widow and Orphan Funds* in the old and new Provinces, guaranteed by the Government, requires some temporary supplies which will hereafter cease.

VIII. *The payment of those Public Officers*, who are for the present *unemployed*, will cease to form an item of extraordinary Expenditure, as soon as an opportunity of employing them again shall present itself.

XI. *Department of Justice*.—The expenses incurred by the administration of Justice are not considerable, when compared with the expenditure devoted by neighbouring States to so important a branch of the Government. A slight reduction may, hereafter, take place in the number of the Officers of the Supreme Court. In the Provincial and lesser Courts, however, a similar reduction cannot, for several years to come, be anticipated, on account of the accumulation of business.

XII. *Foreign Department*.—Reductions in the number of Officers both in the Bureaus and Missions, have been partly proposed and partly decided upon. Wherever, for example, it may be found practicable, one person will be invested with the Missions to several Courts; or Envoys and Agents will be employed. These regulations, however, are not adapted to all places, nor to all circumstances. The changes in our political relations are a most important consideration, as connected with this subject, and according to them the Government must regulate its decisions.

XIII. *The Department of the Interior, the Ecclesiastical Affairs, and Education*, embrace several important branches of the Government, and the magnitude of their expenses chiefly arise from the burthens transferred to the Exchequer with the Old-Wirtemberg church-property. It embraces; besides the supreme Administration of the Country;—the Evangelical Consistory; the Roman Catholic Ecclesiastical Council; the Council for Education; the Medical College; the Record Chamber; the four District Governments, and the Administration of the City of Stutgardt. The whole Police of the Country is placed under its superintendence: as is the Gendarmerie, in the system of which great improvements are about to be introduced; the important maintenance of the land and water communications; the Agricultural Institutions at Stutgardt and Hohenheim, together with the settlement of Ottenhof, near Ellwangen, which has been lately established, for the extension of agricultural improvements; the Public Studs, destined, in the absence of private establishments, to improve the breed of horses, which degenerated so very much during the War; the National Theatre, (which receives considerable assistance from the Civil List;) the management of the Poor; the united Ecclesiastical and School Affairs; and the several Institutions for different branches of the

Arts and Sciences, some of which have been lately established, and others improved. In those branches, where the moral and intellectual education of the People is the great object, the Government thought that it ought not to confine itself within the narrow limits of obligations founded upon individual rights; but that it ought to afford effectual assistance from the public means, wherever those of societies, foundations, and even private persons, were no longer sufficient. But, above all, the Government considered that the greatest attention was due to the University, which, besides its own capital, required an aid of 51,733 fl. for the current year. [v. § XVIII.]

XV. *Department of War.*—The establishment of a well-trained Army, even in time of Peace, is absolutely requisite for the preservation of the glory which the Nation has obtained under the banners of a hero, whose wisdom now governs the same Country which his gallantry had delivered. Such an Army is no less necessary for the fulfilment of the obligations contracted towards the Germanic Confederation, than for the maintenance of the dignity and independence of the Country. The Accounts of the War Department laid before you, embrace the whole expenditure of the Army; their pay and subsistence; their quartering, hospitals, equipment, and ammunition, as well as the bureau expenses of the whole Department, the expenses of recruiting, of transport, and others. It includes likewise the pay of all the Officers, Pensioners, and Invalids; of superannuated Officers and Privates; the pensions attached to badges of honour; and the bounties and allowances. This expenditure promises a gradual decrease of 244,166 fl. 35 kr., in consequence of the Army being reduced to the peace establishment, and numbers of those, who have sacrificed their strength and devoted their lives to the service of their Country, being otherwise provided for.

XVI. *The Account of the Administration of Finance* embraces the aggregate expenses attending the chief Finance Department, and the Central Offices appointed for the administration of the Taxes, Public Accounts, Forests, Mines, Smelting-houses, and Foundries, for that of the Exchequer and the Public Debt, of the 4 District Governments, and of all the Offices of Revision.

Among the General Expenses of its Administration, those of the public buildings are the most considerable, being incurred for the maintenance of the buildings, bridges, and highways, connected with the management of the public Domains, and, more particularly, for the official Dwellings of the Officers and Dignitaries of the Civil Government and the Church. The expenses of the Public Registers, formerly intended chiefly for the registration of houses and trades, are now principally incurred by the registers for the land-tax; and the latter being rated, according to the present Laws, upon the net produce of the estate, a survey of the landed property, and an enquiry into the amount of the primary expenses for the purpose of ascertaining that net produce, have been rendered unavoidable.

As to the survey of the landed property throughout the whole Country, other States have considered it not only a necessary supplement to their statistics, but as the most solid basis on which to establish an appropriate and equitable land-tax.

In Wirtemberg its application seems, upon the same grounds, to be more urgently demanded than any where else. For a survey, which, by fixing and securing the boundaries of landed property, operates, in so many respects, upon legal questions relating to that property, upon the maintenance of the land and water communications, as likewise upon public and private agricultural establishments, must prove particularly beneficial in a Country where the landed property is divided into so many small allotments. Neither is it the less necessary, in such a Country, for the formation of a new land-tax Register; for if the profit of an estate, and consequently the amount of its taxable capital or value, depends principally upon its extent, in conjunction with its fertility and state of cultivation, the beneficial end of such a registration, particularly where the landed property is much divided, can only be attained and secured by determining, upon similar principles, the united extent of all the different estates.

In order, however, that such a survey may combine precision with utility, it is necessary that we should have recourse to those means which the present state of science affords, and that the results should be reduced to an appropriate scale, and be laid down in the form of Charts: the Government has adopted the most proper means for this purpose; and, notwithstanding that many preparations are necessary to the first commencement of a work of this nature, for the selection of able Engineers, the procuring good tools, &c.; yet, in spite of all these preliminaries, 240 mensuration tables, comprising a surface of 98,299 $\frac{3}{4}$ acres, or almost 6 square miles, have been completed in the space of 1 year, with a precision and clearness that justify the hope, that the Register Commission, in conjunction with the Lithographic-Institute, established about the same time, will soon produce a work which will reflect as much honour on the Government of Wirtemberg, as it will prove of lasting utility to the Administration of the State, and to the Country generally. This conviction has already reached the People: several Bailiwicks have earnestly requested that the survey of their Districts may be accelerated; and as the greater part of the Kingdom is either not measured at all, or measured very imperfectly, henceforth, all individual private surveys, which, in general, are doubly expensive, will cease, so that the Country will have the advantage both of greater accuracy and less expense.

The *Foresters' School*, united in the most appropriate manner with the Yager-Corps, supplies the pressing want of skilful Foresters.

The *Tax remissions* particularly specified in the Budget, only refer to remissions of direct taxes, granted on account of unfavourable weather or new cultivation.

The *Gratuities* will in future decrease, in consequence of the recent establishment of the Pension-Institute.

XIX. *The charges for the Neckar navigation* are specially devoted to a work, the idea of which was conceived by Duke Christopher, and is now being carried into effect by King William, at a time when it promises to the Country most unlooked for advantages; I allude to the opening a communication with the Neckar near Hielbronn, by means of a canal. Not only is this opening the condition under which Wirtemberg shares in the free Navigation of the Neckar and the Rhine, and which facilitates in an inconceivable degree the conveyance of foreign goods; but the benefits it confers upon internal commerce, and the traffic with the salt mines at Jaxtsfeld, render this Communication of the highest value. We have the best founded prospect that the charges of this undertaking will, with economy, be covered in a short space of time. For this purpose the most efficient use is made of

XX. *The Convicts*, who compensate in some degree by their labour for the expense they occasion to the State.

XXI. *The arrears of business* that have occurred in former years, and upon which Special Commissions are occupied, are a great burthen on the Exchequer. There is, however, the near prospect of the termination of the labours of the Commissioners.

XXII. The charges of the States assembled last summer, and of the present Diet, will be paid from the *Reserve Fund*.

I must here conclude my Explanatory Remarks upon the Budget now before you. More minute information upon each branch of it, will be specially laid before this noble Chamber.

If we take a general view of the state of our Finances, we shall find, on the one hand, a foundation laid, seeds sown, and order established, upon which we may rest the most favourable anticipations; but, on the other hand, a disproportion between the present expenditure and the reduced income presents itself: this disproportion, however, will be but temporary. Not only do several parts of the State Property, and particularly the salt works, promise a great increase of income; but there are among the different branches of the Financial Account, items of expenditure that will yearly decrease. The temporary charges;—for pensions attached to the acquisition of the new territory, and arising from secularization, supplementary allowances, and the pay of superannuated Officers, extraordinary aids charged upon the War Department, payments for unemployed Officers, expenses incurred by the Commissions for arrears of business, gratuities, and temporary assistance, to the Widow and Orphan funds;—coupled with the savings which will result from the plans of reduction lately determined upon in the number of Clerks and Servants in all the different Departments; ensure to the Exchequer a relief, which, although we cannot state the precise time within which it may take place, will not be

the less certain, and will bring with it the desired balance between the Receipts and the Expenditure of the State.

It may be reasonably asked, whether the means of restoring the equality between the Receipts and Payments of the present Financial Year, may not be found in the diminution of the Expenditure: but that result cannot be realized so immediately; for not only has all that could be dispensed with, been, as far as possible, withdrawn from every branch; but the Financial Year is so far advanced, that the expenses, if not already liquidated, have at least become payable.

Still less does the *Reserve Capital* of former years offer any assistance. It has, indeed, been remarked above, that it amounts to 2,385,136 fl. 6 kr.; but, at the same time, arrears payable by the Government for the Year 1818-1819, amounting to 1,492,570 fl. 22 kr. are charged upon it. At the commencement of the present Financial Year, therefore, it amounted only to 892,565 fl. 44 kr.; and as this sum forms, as it were, the working Capital of the Administration of Finance, it must not, on any account, be encroached upon: on the contrary, the greatest efforts must be made to secure its increase; for the commencement of the Financial Year falls, as was the case with the preceding period of account, just at the time when, comparatively speaking, the heaviest expenses become due, while the receipts during the same months are but scanty; so that, for many years past, besides the use of the Reserve Capital, the Administration had been compelled to contract temporary Loans, or apply for extraordinary relief; and which it would still be compelled to seek, had not the ready money Capital in the different Departments been considerably increased. Hence the urgent necessity of making special provision for the more regular management of the Administration of Finance.

Under these circumstances the present Deficit can only be removed by new sources of income; in the choice of which we must be guided by the present system of taxation in Wirtemberg,—the principle laid down in the Charter, of an universal equality in the public burthens, with the consideration due to landed property and trades.

The taxation of *Quit-Rents* is necessarily connected with the taxation of landed property. They form a part of its income, and will soon be united to the Land Tax Register. For some years they have been exempted from taxation, but will now be again included in the Register.

Next to these the income from money capital, and from salaries and pensions, presents itself as a source, which was not immediately claimed for taxation in the previous system.

These three sources of income may be the more readily resorted to as extraordinary aids for covering the deficiency, as the demand at present made upon them by the State is moderate.

A tax upon Capital and Quit Rents of 20 kr. upon every 5 fl. re-

venue, or 100 fl. capital, and a Salary and Pension Tax of 2 per cent, will suffice for the present wants.

The Deficit amounts to.....Florins 514,067

From the precedent of the Year 1812, when a Capital Tax of 30 kr. produced the net sum of 507,000 fl., we may calculate that a Capital Tax of 20 kr. upon every 100 fl. will produce..... 338,000

The tax upon 1,500,000 fl. Quit Rents, estimated

on a similar scale..... 100,000

The Salary Tax, $4\frac{1}{2}$ millions at 2 per cent..... 90,000

528,000

Which will leave, to cover casualties, a surplus of.....Florins 13,932

The Ministry of Finance, therefore, finds it necessary to submit the following Propositions :

1. That as the 4 months, for which the third part of the ordinary yearly taxes has been provisionally voted, have already expired; the vote of the residue thereof shall be the first and principal subject of the deliberations of the Chamber.

2. That the deficit in the Budget of the Years 1819,—1820, should be covered by a tax upon Capital and Quit Rents, and also by a Salary and Pension Tax, levied upon the scale above mentioned; the Draft of the Law for which shall be laid before the Chamber.

3. That the Ministry of Finance be allowed credit for the Sum of 500,000 fl., in order to protect the Administration against the chance of the natural produce destined for sale, selling either in less quantity, or at a lower price than has been estimated.

4. That the same amount in ready money may be added to the Reserve Capital of the Administration of Finance.

As the object of this Report was to make your Noble Chamber acquainted with the present state of the Finances, and to obtain your constitutional co-operation for the adoption of measures calculated to secure the uninterrupted progress of the administration of the Finances for the present Year; the Budget which will be laid before the next Assembly of the States, will, on the other hand, comprehend the 3 Years from 1820 to 1823, according to the provisions of the Charter. It will, however, determine for a far longer period, the system of the Administration of Finance, and with it that of a great part of the rest of the Administration of the Country : and the more advantageously that the Resolutions, now to be adopted, shall affect the Government of the State, the greater will be the satisfaction with which the King will regard this Assembly, on whose patriotism and intelligence he is sensible that he may rely with entire confidence, for confirming more and more the foundations which his care has laid, and thereby securing to his beloved People that prosperous future, which has ever been the aim of his unremitting solicitude, and the object of his warmest desires.

Stutgardt, 20th January, 1820.

*Budget of the Kingdom of Wirtemberg, from the 1st of July 1819 to
the 1st of July, 1820.*

RECEIPT.

	GROSS REVENUE.	Cost of Collection, & primary Expenses.	NET REVENUE.	
			Respective Amounts.	TOTAL.
	Florins Krs.	Florins Krs.	Florins Krs.	Florins Krs.
I. TAXES.				
A. Direct - - - -	- - - -	- - - -	- - - -	2,400,000 0
B. Indirect; viz.				
a. Customs - - - -	528,192 56	114,912 21	413,280 35	3,064,151 58
b. Excise - - - -	1,349,795 0	113,500 0	1,236,295 0	
c. Tolls on Chaussées - - -	220,036 0	15,442 0	204,594 0	
d. Tonnage, retail and licence duty	610,520 49	58,838 26	551,682 23	
e. Miscellaneous Taxes - - -	108,000 0	6,000 0	102,000 0	
f. Stamps - - - -	59,000 0	3,000 0	56,000 0	
g. Salt Duties - - - -	- - - -	- - - -	350,000 0	150,000 0
h. Tobacco Duties- - - -	- - - -	- - - -	150,000 0	
II. REVENUE OF DOMAINS.				
A. Branch Offices } Money - - - -	1,100,189 31	492,323 3	607,866 28½	2,721,908 30½
of the Exchequer } Natural Produce - - - -	2,218,140 46½	104,098 44	2,114,042 2	
B. Administration of Forests—				
a. Forests - - - -	1,060,921 19	715,183 27	345,737 52	397,338 2
b. Game Certificates - - - -	24,661 38	165 0	24,496 38	
c. Woodlands - - - -	438,633 0	414,486 28	24,146 32	
d. Administration of Plantations -	10,208 20	9,386 0	822 20	
e. Administration of Turf or Peat -	8,161 40	6,027 0	2,134 40	
C. Mines, Smelting Houses, and Foundries	- - - -	- - - -	- - - -	149,308 9
D. Salt Works - - - -	- - - -	- - - -	- - - -	89,777 0
III. ROYAL REVENUES.				
A. Post Office - - - -	- - - -	- - - -	- - - -	82,500 0
B. Saltpetre Works - - - -	- - - -	- - - -	- - - -	22,085 0
C. Mint - - - -	- - - -	- - - -	- - - -	-
IV. LAW PERQUISITES, AND CHANCERY FEES	- - - -	- - - -	- - - -	51,500 0
V. ARREARS AND CASUAL RECEIPTS	- - - -	- - - -	- - - -	279,985 53
VI. CONTRIBUTIONS FOR THE LIQUIDATION OF THE PUBLIC DEBT; viz.				
A. Alienations of Feudal Imposts and other sales - - - -	- - - -	- - - -	152,741 0	769,899 26
B. French Indemnifications - - -	- - - -	- - - -	617,158 26	
TOTAL RECEIPT - Florins	- - - -	- - - -	- - - -	10,028,453 56½

EXPENDITURE—1819, 1820.

	MONEY.	Money- Value of Corn and Wine.	Respective Amounts.	TOTAL.
	Florins. Krs.	Florins. Krs.	Florins. Krs.	Florins. Krs.
I. CIVIL LIST - - - -	765,200 00	34,800 00	800,000 00	800,000 00
II. APPANAGE AND DOWRY - -	366,848 11	4,338 42	371,186 53	371,186 53
III. PUBLIC DEBT, viz.				
a. Interest - - - -	1,197,259 00	- -	1,197,259 00	1,967,158 26
b. Fund for the redemption of Debt.				
Ordinary - - - -	152,741 00	- -	152,741 00	
Extraordinary, occasioned by the French Contributions - -	617,158 26	- -	617,158 26	
IV. ANNUITIES - - - -	60,124 25	- -	60,124 25	60,124 25
V. COMPENSATION TO INDIVIDUALS FOR RIGHTS NOW ABOLISHED.	47,660 28	- -	47,660 28	47,660 28
VI. PENSIONS, viz.				
a. Former Officers and Servants of the State - - - -	354,251 17	10,208 28	364,459 45	618,804 24
b. Their Widows and Orphans - -	49,100 34	2,510 3	51,610 37	
c. The Members of Roman Catholick Re- ligious Institutions - -				
Males - - - -	54,411 26	227 30	54,638 56	
Females - - - -	58,628 10	608 23	59,236 33	
d. Evangelical Clergy - - - -	2,030 00	3,367 00	5,397 00	
e. Extraordinary allowances to Officers still employed - - - -	83,229 3	232 30	83,461 33	
VII. AIDS TO THE WIDOW FUNDS, CERTAIN TOWNS, &c. - - - -	20,136 00	- -	20,136 00	20,136 00
VIII. PAYMENTS TO UNEMPLOYED PUBLIC OFFICERS - - - -	37,320 24½	1,076 43½	38,397 8	38,397 8
IX. DEPARTMENT OF THE SECRETARY OF STATE.				
1. Salaries, Bureau, and other expenses -	19,349 4	264 12	19,613 16	34,435 12
2. Cabinet Couriers and Estafettes -	14,821 56	- -	14,821 56	
X. PRIVY COUNCIL.				
Salary, Bureau and other expenses -	43,461 52½	1,157 22½	44,619 15	44,619 15
XI. DEPARTMENT OF JUSTICE.				
1. Salaries, Bureau expenses of the Minis- try and the Colleges - - - -	207,138 2	547 30	207,685 32	420,585 32
2. Provincial Offices - - - -	132,900 00	- -	132,900 00	
3. Criminal Courts - - - -	80,000 00	- -	80,000 00	
XII. FOREIGN DEPARTMENT.				
1. Salaries, expenses of the Bureau, and other similar expenses of the Ministry, the Feudal Record Office, and the State Ar- chives - - - -	63,372 47	1,867 7	65,239 54	279,639 54
2. Foreign Missions.				
a. Salaries - - - -	148,400 00	- -	148,400 00	
b. Contingencies and Extraordinaries -	66,000 00	- -	66,000 00	
XIII. INTERIOR AND ECCLESIASTICAL DEPART- MENTS, AND EDUCATION.				
1. Salaries and Bureau Expenses for the Ministry and the Colleges - - - -	283,962 21	8,123 54	292,086 15	2,020,617 34
2. District Governments - - - -	155,016 6	4,405 16	159,421 22	
3. General Administration, viz.				
a. Police - - - -	21,784 57	- -	21,784 57	
b. Gendarmerie - - - -	67,129 26	- -	67,129 26	
c. Land and water communications -	350,000 00	- -	350,000 00	
d. Institutes for agricultural purposes -	31,968 55	- -	31,968 55	
e. Public Studs - - - -	102,744 42	23,159 15	125,903 57	
f. Library, Cabinets of Medals, Arts, and Natural History. School of Arts -	27,278 20	1,926 00	29,204 20	
g. National Theatre - - - -	96,273 26	- -	96,273 26	
h. Catherine Institute at Stutgardt -	2,000 00	- -	2,000 00	
i. Management of the Poor - - - -	26,484 59	14,244 52	40,729 51	
k. Orphan Institute, Houses of Correction, and Lunatic Asylums - - - -	25,000 00	- -	25,000 00	
l. Deaf and Dumb Asylum at Gmund -	2,726 00	- -	2,726 00	
4. Church and School Establishments, viz.				
a. Evangelical - - - -	255,472 29	288,846 21	544,318 50	
b. Reformed - - - -	827 23	1,226 30	2,053 53	
c. Roman Catholic - - - -	188,322 20	41,694 2	230,016 22	
Stipends at the Ladies Institute at Ober- stenfeld - - - -	9,760 00	- -	9,760 00	

EXPENDITURE—1819, 1820.

	MONEY.	Money- Value of Corn and Wine.	Respective Amounts.	TOTAL.
	<i>Florins Krs.</i>	<i>Florins. Krs.</i>	<i>Florins. Krs.</i>	<i>Florins. Krs.</i>
XIV. DEPARTMENT OF THE POLICE AT STUT- GART.				
1. Salaries, Bureau and other Expenses -	11,918 20	364 26	12,282 46	} 20,729 16
2. Military Police - - -	6,007 30	414 00	6,421 30	
3. Maintenance of Prisoners - -	2,025 00	- -	2,025 00	
XV. WAR DEPARTMENT - - -	1,878,228 7	324,740 53	2,202,969 00	2,202,969 00
Military Pensions granted with Orders -	24,014 00	- -	24,014 00	24,014 00
XVI. MINISTRY OF FINANCE.				
1. Salaries and Bureau Expenses of the Ministry, the Colleges, and the Public Accounts - - -	404,268 45	273 43	404,542 30	} 979,809 14
2. General Administration, viz.				
a. Public Works and Buildings -	365,324 49	- -	365,324 49	
b. Expenses of the Tax-Registers -	150,000 00	- -	150,000 00	
c. Foresters' School - - -	14,009 47	- -	14,009 47	
d. Duties remitted - - -	18,000 00	- -	18,000 00	
e. Bounties and gratuities - -	25,215 20	2,716 48	27,932 8	
XVII. COST OF FUEL AND POSTAGE IN ALL THE PUBLIC OFFICES.	38,000 00	- -	38,000 00	38,000 00
XVIII. SUPPLEMENTARY GRANT TO THE UNI- VERSITY OF TUBINGEN.	51,733 00	- -	51,733 00	51,733 00
XIX. IMPROVEMENTS ON THE NECKAR.	61,230 41	- -	61,230 41	61,230 41
XX. CONVICTS IN THE FORTRESSES AND AT THE GALLIES - - -	82,000 00	- -	82,000 00	82,000 00
XXI. TEMPORARY OFFICES.				
Commission for bringing up the arrears of business - - -	96,745 11	2,165 45	98,910 56	98,910 56
XXII. RESERVE FUND - - -	250,000 00	- -	250,000 00	250,000 00
	1,556,527 33	5,156 18	1,561,683 51	1,561,683 51
TOTAL EXPENDITURE - Florins	9,767,014 00	775,507 18	10,542,521 18	10,542,521 18

SUMMARY.

			<i>Florins. Krs.</i>
RECEIPT - - -	-	-	10,028,453 58½
EXPENDITURE - - -	-	-	10,542,521 18
Deficit -	-	Florins	514,067 19½

BRITISH ORDER IN COUNCIL, prohibiting the Exportation of Gunpowder, Arms, Ammunition, &c. to Spain, Africa, the West Indies, or to certain Parts of America.—22d November, 1820.

At the Court at Carlton House, the 22d November, 1820.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS the time limited by His Majesty's Order in Council of the 29th of May last, for prohibiting the exportation of gun-powder, arms, or ammunition, to the Places therein specified, will expire on the 30th day of this instant November; and whereas it is expedient, that the said prohibition should be continued for some time longer; His Majesty, by and with the advice of His Privy Council, doth hereby order, require, prohibit, and command, that no Person or Persons whatsoever (except the Master-General of the Ordnance for His Majesty's Service) do, at any time during the space of 6 months (to commence from the 30th day of this instant November), presume to transport any gun-powder, or saltpetre, or any sort of arms or ammunition, to any Port or Place within the Dominions of the King of Spain, or to any Port or Place on the Coast of Africa, or in the West Indies, or on any part of the Continent of America (except to a Port or Place, or Ports or Places, in His Majesty's Territories or Possessions on the Continent of North America, or in the Territories of the United States of America), or ship or lade any gun-powder or saltpetre, or any sort of arms or ammunition, on board any Ship or Vessel, in order to transporting the same into any such Ports or Places within the Dominions of the King of Spain, or into any such Ports or Places on the Coast of Africa, or in the West Indies, or on the Continent of America (except as above excepted) without leave or permission in that behalf first obtained from His Majesty, or His Privy Council, upon pain of incurring and suffering the respective forfeitures and penalties inflicted by an Act, passed in the 29th Year of the Reign of His Majesty King George the Second, intituled, "An Act to empower His Majesty to prohibit the exportation of gun-powder, or any sort of arms or ammunition, and also to empower His Majesty to restrain the carrying coastwise of saltpetre, gun-powder, or any sort of arms or ammunition;" and also by an Act, passed in the 33rd Year of His late Majesty's Reign, cap. 2, intituled "An Act to enable His Majesty to restrain the exportation of naval stores, and more effectually to prevent the exportation of saltpetre, arms, and ammunition, when prohibited by Proclamation or Order in Council."

And the Right Honourable the Lords Commissioners of His Ma-

jesty's Treasury, the Commissioners for executing the office of Lord High Admiral of Great Britain, the Lord Warden of the Cinque Ports, the Master-General and the rest of the principal Officers of the Ordnance, and His Majesty's Secretary at War, are to give the necessary directions herein as to them may respectively appertain.

CHETWYND.

**BRITISH ORDER IN COUNCIL, regulating the Trade,
in British and Foreign Vessels, with the Cape of Good Hope.
12th July, 1820.**

At the Court at Carlton House, 12th July, 1820.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by an Act, passed in the 1st Year of the Reign of His present Majesty, intituled "An Act to continue until the 5th day of July, 1825, an Act of the 57th Year of His late Majesty for regulating the Trade and Commerce to and from the Cape of Good Hope, and for regulating the Trade of the Island of Mauritius," His Majesty is authorized, by and with the advice of His Privy Council, by any Order or Orders, to be issued from time to time, to give such directions, and to make such regulations touching the trade and commerce to and from the Settlement of the Cape of Good Hope, and the Territories and Dependencies thereof, as to His Majesty in Council shall appear most expedient and salutary, any thing contained in an Act, passed in the 12th year of the Reign of His Majesty King Charles the Second, intituled, "An Act for the encouraging and increasing of Shipping and Navigation;" or in an Act, passed in the 7th and 8th years of the Reign of His Majesty King William the Third, intituled "An Act for preventing frauds and regulating abuses in the Plantation Trade," or any other Act or Acts of Parliament now in force relating to His Majesty's Colonies and Plantations, or any other Act or Acts of Parliament, law, usage, or custom, to the contrary, in anywise notwithstanding; His Majesty is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, that, from and after the date of this present Order, British Vessels arriving at any Port of the Settlement of the Cape of Good Hope, or of the Territories and Dependencies thereof, from any Country in amity with His Majesty, laden with any articles of the growth, production, or manufacture, of such Country (excepting all articles composed of cotton, iron, steel, or wool, of foreign manufacture;) shall be permitted to enter and land their Cargoes, and dispose of the

same in the said Ports, subject to such duties as may be there payable thereon.

And it is further ordered that British Vessels, arriving as aforesaid, shall be permitted to export to any such Foreign Country in amity with His Majesty, cargoes consisting of any articles of the growth, production, or manufacture, of the Settlement of the Cape of Good Hope, or of the Territories and Dependencies thereof, or of any other articles which shall have been legally imported there, on payment of such duties as may be payable thereon :

And it is hereby further ordered, that Vessels belonging to the Subjects of any Foreign State in amity with His Majesty, which Foreign State shall allow British Vessels to carry on trade as aforesaid between the Ports of such State and the Settlement of the Cape of Good Hope, or the Territories and Dependencies thereof, shall be permitted, in like manner, to import into the Ports of the said Settlements, or of the Territories and Dependencies thereof, from any Port of the State to which such Vessel shall belong, any articles of the growth, production, or manufacture, of such Foreign State (excepting all articles composed of cotton, iron, steel, or wool, of foreign manufacture), and to dispose of the same in the Ports of the said Settlement, or of the Territories and Dependencies thereof, on payment of the same Duties as shall be payable on the like articles when imported from such Foreign State in British Vessels ; provided, however, that if higher Duties are charged on the export of such goods from any such Foreign State to the Settlement of the Cape of Good Hope, or the Territories and Dependencies thereof, in British Vessels, than are charged on the export of similar articles to the said Settlement, or the Territories and Dependencies thereof, in Ships of such Foreign State, a countervailing Duty, of equal amount, shall be charged on the said articles when imported into the said Settlement, or the Territories and Dependencies thereof, in Vessels of such Foreign State, over and above the Duties payable on the like articles when imported from such State in British Vessels.

And it is hereby further ordered, that every such Foreign Vessel shall be permitted to export a cargo consisting of any articles of the growth, production, or manufacture, of the Settlement of the Cape of Good Hope, or of the Territories and Dependencies thereof, or of any other articles which shall have been legally imported there, on payment of a Duty of 8 per cent. ad valorem, over and above the duties charged on the like goods when exported from the said Settlement, or the Territories and Dependencies thereof, to such Foreign State in a British Vessel ; provided, however, that in cases where satisfactory proof shall be given, that the said articles, when imported into such Foreign State from the Settlement of the Cape of Good Hope, or the Territories and Dependencies thereof, in British Vessels, are charged with no higher Duties than are charged on the like articles when imported in Vessels of

such Foreign State, and that such articles, when imported in British Vessels, are entitled to the same privileges and advantages with respect to warehousing and internal consumption, or otherwise, as when imported in Vessels of such State, then and in such case no higher Duties shall be charged on the export of such articles from the Settlement of the Cape of Good Hope, or the Territories and Dependencies thereof, in Vessels of such Foreign State, than shall be charged on the export of the like articles in British Vessels to such Foreign State :

It is, however, hereby further ordered and declared, that no Foreign Vessel, allowed by the terms of this Order to export a cargo from the Settlement of the Cape of Good Hope, or the Territories and Dependencies thereof, shall be permitted to export such cargo to any of His Majesty's Possessions, or to any other Place than a Port or Place belonging to the State or Power to which the Vessel itself shall belong.

And the Right Honourable the Lords Commissioners of His Majesty's Treasury, and the Lords Commissioners of the Admiralty, are to give the necessary directions herein, as to them may respectively appertain.

CHETWYND.

BRITISH ORDER IN COUNCIL, regulating the Trade, in British and Foreign Vessels, with the Island of Mauritius.—12th July, 1820.

At the Court at Carlton House, the 12th July, 1820,

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by an Act, passed in the 1st Year of the Reign of His present Majesty, intituled "An Act to continue until the 5th day of July 1825, an Act of the 57th Year of His late Majesty, "for regulating the trade and commerce to and from the Cape of Good Hope, and for regulating the trade of the Island of Mauritius;" His Majesty is authorized, by and with the advice of His Privy Council, by any Order or Orders, to be issued from time to time, to give such directions, and to make such regulations touching the trade and commerce to and from all Islands, Colonies, or Places, and the Territories and Dependencies thereof, to His Majesty belonging, or in His possession, in Africa, or Asia to the eastward of the Cape of Good Hope, (excepting only the Possessions of the East India Company), as to His Majesty in Council shall appear most expedient and salutary, any thing contained in an Act, passed in the 12th year of the Reign of His Majesty King Charles the Second, intituled "An Act for the encouraging and increasing of

Shipping and Navigation," or in an Act, passed in the 7th and 8th years of the Reign of His Majesty King William the Third, intituled "An Act for preventing frauds, and regulating abuses in the Plantation Trade," or any other Act or Acts of Parliament now in force, relating to His Majesty's Colonies and Plantations, or any other Act or Acts of Parliament, law, usage, or custom, to the contrary, in any wise notwithstanding; and whereas, by virtue of the powers granted by the above recited Act of the 57th Year of His late Majesty, an Order in Council was passed on the 28th of May, 1819, for regulating the Trade of the Island of Mauritius, with States in amity with His Majesty, on the conditions therein set forth; His Majesty is pleased to direct that the said Order be, and the same is hereby, revoked; and His Majesty is further pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, that from and after the date of this present Order, British Vessels arriving at any Port of the Island of Mauritius, or its Dependencies, from any Country in amity with His Majesty, laden with any articles of the growth, production, or manufacture, of such Country, (excepting all articles composed of cotton, iron, steel, or wool, of foreign manufacture), shall be permitted to enter and land their cargoes, and dispose of the same in the said Ports, subject to such Duties as may be there payable thereon:

And it is further ordered, that British Vessels arriving as aforesaid, shall be permitted to export to any such Foreign Country in amity with His Majesty, cargoes consisting of any articles of the growth, production, or manufacture, of the Island of Mauritius, or its Dependencies, or of any other articles which shall have been legally imported there, on payment of such Duties as may be payable thereon:

And it is hereby further ordered, that Vessels belonging to the Subjects of any Foreign State in amity with His Majesty, which Foreign State shall allow British Vessels to carry on trade as aforesaid between the Ports of such State and the Island of Mauritius, shall be permitted in like manner to import into the Ports of the Island of Mauritius, or its Dependencies, from any Port of the State to which such Vessel shall belong, any articles of the growth, production, or manufacture, of such Foreign State, (excepting all articles composed of cotton, iron, steel, or wool, of foreign manufacture), and to dispose of the same in the Ports of the said Island and its Dependencies, on payment of the same Duties as shall be payable on the like articles when imported from such Foreign State in British Vessels: provided, however, that if higher Duties are charged on the export of such goods from any such Foreign State, to the Island of Mauritius in British Vessels, than are charged on the export of similar articles to the said Island in Ships of such Foreign State, a countervailing Duty of equal amount shall be charged on the said articles when imported into the Island of Mauritius, or its Dependencies, in Vessels of such Foreign State, over and above the

Duties payable on the like articles when imported from such State in British Vessels :

And it is hereby further ordered, that every such Foreign Vessel shall be permitted to export a cargo consisting of any articles of the growth, production, or manufacture, of the Island of Mauritius, or its Dependencies, or of any other articles which shall have been legally imported there, on payment of a Duty of 8 per cent. ad valorem, over and above the Duties charged on the like goods when exported from the Island of Mauritius, or its Dependencies, to such Foreign State in a British Vessel ; provided, however, that in cases where satisfactory proof shall be given that the said articles, when imported into such Foreign State from the Island of Mauritius in British Vessels, are charged with no higher Duties than are charged on the like articles when imported in Vessels of such Foreign State ; and that such articles when imported in British Vessels are entitled to the same privileges and advantages with respect to warehousing and internal consumption or otherwise, as when imported in Vessels of such State ; then and in such case, no higher Duties shall be charged on the export of such articles from the Island of Mauritius, or its Dependencies, in Vessels of such Foreign State, than shall be charged on the export of the like articles in British Vessels to such Foreign State :

It is, however, hereby further ordered and declared, that no Foreign Vessel, allowed by the terms of this Order to export a Cargo from the Island of Mauritius, or its Dependencies, shall be permitted to export such Cargo to any of His Majesty's Possessions, or to any other Place than a Port or Place belonging to the State or Power to which the Vessel itself shall belong :

And the Right Honourable the Lords Commissioners of His Majesty's Treasury, and the Lords Commissioners of the Admiralty, are to give the necessary directions herein as to them may respectively appertain.

CHETWYND.

*SPEECH of the Lord High Commissioner, on the Closing of the Legislative Assembly of the United Ionian States.—
30th May, 1820.*

MR. PRESIDENT AND GENTLEMEN,

I DEEM it my duty to express my especial thanks to this Assembly for its conduct during the whole period of this Session.

Under the circumstances in which the Government was placed, at the opening of the present Session of Parliament, owing to the intrigues and cabals of a few deluded Individuals, nothing could so effectually

have restored tranquillity and union in the State as a steady maintenance of that good understanding, which so happily exists between the Executive and the Legislative Powers.

I have likewise received great satisfaction from that Resolution of the Senate, which you have already concurred in and approved, ordering that Extraordinary Deputies be dispatched to England, for the purpose of condoling with His present Majesty on the death of the late King, of glorious memory, and at the same time of congratulating the Sovereign Protector of these States on his accession to the exalted Throne of his Ancestors.

This is a measure which, appropriate and graceful in itself, shows the deep and sincere affection cherished by the Ionian People for that fatherly disposition which His Majesty has ever evinced towards them, and the continuance of which is confirmed to them by the patriotic emanations and the benevolent sentiments of His Royal mind, as well as by the present expression of respectful gratitude so justly due to His Majesty, for that constant solicitude, productive of the happiest results, which His Majesty has shown in promoting the security and happiness of the Septinsular Government.

I observe with much pleasure, that, in the course of the Session, nothing has occurred to change in the least degree, the opinion I expressed at its opening :—there is no necessity to impose new taxes on the People ; and I am convinced that a wise and careful administration of the actual resources, and an accurate collection of the revenues of these States, will be found sufficient to meet the Public Expenditure, the Government being relieved from all debts of any kind ; unless circumstances should occur, which at present neither exist nor can be foreseen.

A rigid economy in the Public Expenditure will, however, be absolutely necessary, in order to enable the Government to carry into effect, in the various Islands, those public works which are so urgently required for the comfort and prosperity of the inhabitants.

I have, therefore, the honour of informing you, that I have recommended to the enlightened body of the Senate, who coincide with me in opinion, to diminish very considerably the expense of the Judicial Establishment ; which can be effected without counteracting the great and material object of the prompt and upright administration of Justice.

It is not my intention to enter into a detailed examination of the Acts passed by the Parliament in its present Session. I cannot, however, do less than rejoice, with the Representatives of the Ionian People, at the complete abrogation, from the beginning of next year, of the Law which gave a preference, in purchases of property, to Relatives and Neighbours, and by which the seller could recover the property, even after a lapse of years, on returning the purchase money.

I confess, it did not appear to me that this Law could be suffered to continue for any length of time after the promulgation of the present Constitutional Charter: its repeal has, without doubt, been effected by the diffusion throughout these Islands of the principles of the Constitutional Government, and it cannot fail of contributing greatly to increase the value of landed property, and by this means it will serve as a powerful encouragement to the general agriculture of the Ionian States.

It has been thought expedient to defer submitting to Parliament the final arrangement of your Religious Establishment. In considering this subject, the Government has thought it necessary, before any definitive measure can be adopted, to put the Ecclesiastical revenues in a proper state, and to remedy the great abuses which exist in their collection and appropriation, as the said pious Ecclesiastical Establishments of the established Religion are, for the most part, in a state of dilapidation.

On the basis of these considerations, I presented the outline of an Act of Parliament, in the preamble of which are stated the objects of the Government. The unanimous manner in which the Assembly adopted this Act, proves the truth of the above statement; and the conduct of the Representatives of the People on that occasion, is an evidence of the lively interest they naturally feel for the honour and glory of their religion, which is inseparable from the prosperity of the State.

The arrangement of the Religious Establishments can now be properly effected: the Senate will be occupied in adopting the necessary preliminary measures; but nothing can be permanently settled on this important subject without the sanction of Parliament.

In regard to the new Copper Coinage, the receipt of the third and last portion was unexpectedly delayed: it only arrived 3 days ago.

The Executive Government will bestow the strictest attention in circulating the whole of this money, in the manner best calculated to combine the interests of the Government with the advantage and convenience of the People: and, as much consideration has already been given to this subject, the necessary measures for the said circulation will be immediately carried into effect.

During your recess, the organization of the Militia will be commenced, so long delayed from the reasons which I already explained to you; and the Lord High Commissioner will in a few days publish a Proclamation on this subject.

Mr. President and Gentlemen,

I will not detain you longer. You have, in a very honourable manner, fulfilled your duties at the seat of the general Government:—you will now return to your respective Islands and give your Fellow-Countrymen the benefit of your presence and of your example. You may there render them essential services, by pre-

venting and repressing the dissemination of those foolish reports, which were dispersed throughout the various Islands, during the past year. Your illustrious Senate is, at the same time, invested, according to the provisions of the Constitutional Charter, with a temporary legislative authority, in the exercise of which experience has shewn how much confidence may be placed in the vigilance, wisdom, and energy, of that patriotic and illustrious Body ;—and to that experience I appeal, as the best proof that the Government, established by the Charter of 1817, is well calculated to ensure the permanent happiness of the Ionian People, interesting to all the World from the ancient recollections which they awaken :—their happiness is a constant object of anxiety with my Benevolent and Gracious Sovereign, the only and exclusive Protector of these States.

CORRESPONDENCE between Spain and Russia, relative to the state of Affairs in Spain.—April, May, 1820.

(1.)—*Le Chevalier De Zéa Bermudez au Comte de Nesselrode.*

St. Pétersbourg, le 7^e Avril, 1820.

SA Majesté Catholique n'écoutant que le sentiment de son cœur, et adhérant au vœu de son Peuple, dont les vertus heroïques font sa force et sa véritable gloire, vient d'accepter et de prêter serment à la Constitution Politique de la Monarchie Espagnole, promulguée à Cadix, par les Cortès-Généraux et Extraordinaires dans l'année 1812. Aussitôt Sa Majesté a adressé à la Nation le Manifeste (dont ci-joint le texte original, et la traduction en Français) qu'elle a ordonné au Soussigné de porter à la connaissance de Sa Majesté l'Empereur de toutes les Russies ; la simple lecture de cet Acte fournit la preuve la moins équivoque des principes qui occupent aujourd'hui toute la sollicitude du Roi et sa haute pensée. Fermer tout accès aux passions haineuses ; protéger la justice et les idées véritablement franches et libérales ; appeler sur la Nation le repos, la conciliation, et le bonheur ; —telle est la grande tâche que le Roi s'est imposée pour faire parvenir son Peuple au degré de prospérité qu'il doit atteindre au moyen d'Institutions sages, fortes, et assorties aux lumières du siècle.

Dans son élan, le Peuple Espagnol, entraîné par la force des choses, et l'ascendant irrésistible de l'opinion, s'étoit fixé un but grand et honorable, sa liberté, la gloire de son Monarque. Ce but, il l'a atteint, comme l'atteste, d'une manière irréfragable, l'accent du Manifeste du Roi, à la fois noble, franc, et magnanime.

Ainsi les vues les plus généreuses, et les maximes les plus sages, en nous conciliant l'estime générale de l'Europe, vont resserrer les liens indissolubles qui unissent la Nation Espagnole à son légitime Souverain.

Le Soussigné croiroit faire tort aux sentimens élevés de Sa Majesté l'Empereur, si pour un seul instant il revoquoit en doute le vif intérêt avec lequel Elle daignera accueillir cette Communication. Se montrant toujours grande dans ses rapports politiques avec les autres Puissances, juste et conséquente envers ses Alliés, Sa Majesté reconnut déjà, dès l'année 1812, par le Traité de Wéliky-Louky* la légitimité

* *Traité d'Amitié et d'Alliance entre La Russie et l'Espagne.—Signé à Wéliky-Louky, le 8^e Juillet, 1812.*

Nous, Alexandre Premier, par la grâce de Dieu, Empereur et Autocrateur de toutes les Russies, de Moscovie, Kiovie, Wladimirie, Novogorod ; Czar de Cassan, Czar d'Astracan, Czar de Sibérie, Czar de la Chersonèse-Taurique ; Seigneur de Plescow et Grand-Duc de Smolensko, de Lithuanie, Volhynie, Podolie, et de Finlande ; Duc de Esthonie, de Livonie, de Courlande, et Sémigalle, de Samogitie, Bialistock, Carélie, Twer, Jugorie, Permie, Wiatka, Bolgarie, et d'autres ; Seigneur et Grand-Duc de Novogorod inférieur, de Czernigovie, Rissan, Polock, Rostow, Jaroslaw, Bélo-Osérie, Udorie, Obdorie, Condinie, Witebsk, Mstislav ; Dominateur de tout le côté du Nord ; Seigneur d'Yverie, de la Cartalinie, de la Géorgie et de la Cabardie ; Prince Héréditaire et Souverain des Princes de Circassie, Gorsky, et autres ; Successeur de Norvège ; Duc de Schleswick Holstein, de Stormarie, de Dithmarsen et d'Oldenbourg, etc. etc. etc. Savoir faisons par ces présentes, que, conformément à Notre désir et celui de Sa Majesté Catholique Don Ferdinand VII., Roi d'Espagne et des Indes, de voir l'amitié, la bonne intelligence, et l'alliance, rétablies entre Nous et Nos Etats réciproques, Nos Plénipotentiaires respectifs ont, en vertu de leurs Plein-pouvoirs, arrêté et conclu à Wéliky-Louky, le 8^e Juillet de cette année, un Traité, dont la teneur mot pour mot est comme suit.

Sa Majesté l'Empereur de toutes les Russies, et Sa Majesté Catholique Don Ferdinand VII., Roi d'Espagne et des Indes, ayant également à cœur de rétablir et de fortifier les anciennes relations d'amitié qui ont subsistées entre leurs Monarchies, ont nommé à cet effet, savoir :—Sa Majesté l'Empereur de toutes les Russies, M. le Comte Nicolas de Roumanzoff, son Chancelier de l'Empire, Président de son Conseil Suprême, Sénateur, Chevalier des Ordres de St. André, de St. Alexandre Newsky, de St. Wladimir de la Première Classe, et de Ste. Anne, et de plusieurs Ordres Etrangers ; et de la part de Sa Majesté Catholique, en son nom et autorité, le Conseil Suprême de Régence, séant à Cadix, Don Francisco de Zéa Bermudez, lesquels, après avoir échangé leurs Plein-pouvoirs, trouvés en bonne et dûe forme, ont arrêté ce qui suit.

ART. I. Il y aura entre Sa Majesté l'Empereur de toutes les Russies, et Sa Majesté le Roi d'Espagne et des Indes, leurs Héritiers et Successeurs, et entre leurs Monarchies, non-seulement amitié, mais union sincère et alliance.

II. Les deux Hautes Parties Contractantes, d'après cet engagement se réservent de s'entendre sans délai, sur les stipulations de cette alliance et de concerter ensemble tout ce qui peut avoir rapport à leurs intérêts réciproques, et à la ferme intention où elles sont de faire une guerre vigoureuse à l'Empereur des Français, leur ennemi commun, et se promettent, dès à cette heure, de veiller et de concourir sincèrement à tout ce qui pourra être de l'avantage de l'une ou de l'autre Partie.

III. Sa Majesté l'Empereur de toutes les Russies reconnoît pour légitimes les Cortès Généraux et Extraordinaires réunis aujourd'hui à Cadix, ainsi que la Constitution qu'ils ont décrétée et sanctionnée.

des Cortès Généraux et Extraordinaires, et la Constitution Politique qui avoit satisfait aux opinions et répondu aux désirs du Peuple Espagnol des deux Hémisphères. Postérieurement encore, et par un Acte Diplomatique émané de Son Ministère, Sa Majesté voulut bien déclarer franchement qu'elle étoit persuadée que ce Code solennel devoit servir de garantie à la prospérité de la brave et loyale Nation Espagnole, à laquelle Sa Majesté avoit voué toute son estime. Le Soussigné, aime à envisager dans cette noble opinion d'alors, les gages les plus solides des sentimens actuels de Sa Majesté l'Empereur, et il se plaît à invoquer ces témoignages parcequ'ils se rattachent à des souvenirs glorieux et chers aux deux Nations.

Organe du Gouvernement Espagnol en 1812, le Ministre Soussigné s'estime heureux de l'être de nouveau aujourd'hui pour réitérer au nom de Sa Majesté Catholique au Ministère Impérial, combien le Roi prendra à cœur de resserrer chaque jour davantage les rapports d'amitié et d'alliance qui l'unissent déjà si heureusement au grand et magnanime Souverain de la Russie.

Le Soussigné, &c.

LE CHEVALIER DE ZEA BERMUDEZ.

S. E. Le Comte de Nesselrode.

(2.)—*Le Comte de Nesselrode au Chevalier de Zéa Bermudez.*

St. Pétersbourg, le ^{20 Avril,}_{2 Mai,} 1820.

LA Note que M. le Chevalier de Zéa Bermudez a adressée au Ministère de Russie le $\frac{7}{19}$ Avril, a été mise sous les yeux de l'Empereur.

IV. Les relations de commerce seront rétablies, dès à présent, et réciproquement favorisées. Les deux Hautes Parties Contractantes aviseront aux moyens de leur donner encore plus d'étendue.

V. Le présent Traité sera ratifié, et les Ratifications seront échangées à St. Pétersbourg, dans l'espace de 3 mois, à dater du jour de la signature, ou plutôt si faire se peut.

En foi de quoi, nous Soussignés, en vertu de nos Plein-pouvoirs, avons signé le présent Traité et y avons apposé le Cachet de nos Armes.

Fait à Wéliky-Louky, le $\frac{8}{20}$ Juillet, l'an de grâce 1812.

(L. S.) LE COMTE NICOLAS DE ROUMANZOFF.

(L. S.) FRANCISCO DE ZEA BERMUDEZ.

A ces causes, après avoir suffisamment examiné ce Traité, Nous l'avons agréé, confirmé, et ratifié, comme par ces présentes l'agréons, confirmons, et ratifions, en promettant sur Notre parole Impériale pour Nous et Nos Successeurs, d'en maintenir et observer inviolablement toutes les stipulations. En foi de quoi, Nous avons signé Notre présente Ratification Impériale de Notre propre main, et y avons fait apposer le grand Sceau de Notre Empire. Donné à St. Pétersbourg, ce 17 Octobre, l'an de grâce 1812, et de Notre Règne la 12^e année.
Le Chancelier de l'Empire, ALEXANDRE.

COMTE DE ROUMANZOFF.

Constamment animé du désir de voir en Espagne la prospérité de l'Etat s'unir à la gloire du Souverain, et toujours s'accroître avec elle, Sa Majesté Impériale n'a pû apprendre sans une profonde affliction les évènements qui ont motivé l'Office de M. le Chevalier de Zéa.

Si même on ne les considérait que comme la fuite déplorable des erreurs qui, depuis l'année 1814, sembloient présager une catastrophe à la Péninsule, rien ne justifierait encore l'attentât qui y livre aux hasards d'une crise violente les destinées de la Patrie.

Trop souvent de pareils désordres ont annoncé des jours de deuil aux Empires. L'avenir de l'Espagne se présente donc encore une fois sous un aspect triste et sombre, et de justes inquiétudes ont dû se réveiller dans tous les Etats de l'Europe.

Mais plus ces circonstances sont graves, plus elles peuvent être funestes à la tranquillité générale dont le Monde goute à peine les premiers fruits, et moins il appartient aux Puissances, garantes de ce bienfait universel, de prononcer isolement avec précipitation, ou dans des vues étroites et exclusives, un jugement définitif sur les actes qui ont signalé les premiers jours de Mars en Espagne.

Ne doutant pas que le Cabinet de Madrid, n'ait adressé les mêmes communications à toutes les Cours Alliées, Sa Majesté Impériale se plait à croire que l'Europe toute entière va d'une voix unanime parler au Gouvernement Espagnol le langage de la vérité, et par conséquent celui d'une amitié aussi franche que bienveillante.

Cependant le Ministère de Russie ne sauroit se dispenser d'ajouter quelques considérations sur les faits antérieurs que M. le Chevalier de Zéa Bermudez a rappelés dans sa Note.

Comme lui le Cabinet Impérial invoquera leur témoignage, et en les citant à son tour il aura fait connoître les principes que l'Empereur se propose de suivre dans ses relations avec Sa Majesté Catholique.

En s'affranchissant du joug étranger que lui avoit imposé la Révolution Française, l'Espagne s'est acquis des titres impérissables à l'estime et à la gratitude de toutes les Puissances Européennes. La Russie lui a payé le tribut de ces sentimens par le Traité du $\frac{9}{10}$ Juillet, 1812.

Depuis la pacification générale, la Russie, de concert avec ses Alliés, a donné plus d'une preuve d'intérêt à l'Espagne.

La Correspondance qui a eû lieu entre les principales Cours de l'Europe, atteste les vœux que l'Empereur a toujours formés, pour que l'autorité du Roi put s'affermir dans les 2 Hémisphères à l'aide d'institutions fortes par les principes généreux et pûrs qu'elles auroient consacrés, plus fortes encore par la régularité du mode de leur établissement. Emanées des Trônes elles deviennent conservatrices. Sorties du milieu des troubles, elles ne sont que subversives.

En énonçant sa conviction à cet égard, l'Empereur parloit d'après les leçons de l'expérience. Si, en effet, on jette un regard sur le passé.

de grands exemples s'offrent aux méditations des Peuples comme des Souverains. Sa Majesté Impériale persiste dans son opinion. Ses vœux ne changent pas. Elle en donne ici la plus formelle assurance. Il appartient maintenant au Gouvernement de la Péninsule de juger, si des Institutions imposées par un de ces actes violens, funeste héritage de la Révolution contre laquelle l'Espagne a lutté avec tant d'honneur, réalisent le bienfait que les Deux Mondes attendent de la sagesse de Sa Majesté Catholique et du patriotisme de ses Conseils. Les voies que l'Espagne choisira pour atteindre ce but si important, les mesures par lesquelles elle s'efforcera de détruire l'impression produite en Europe par l'évènement du mois de Mars, décideront de la nature des rapports que Sa Majesté Impériale entretiendra avec le Gouvernement Espagnol, et de la confiance qu'elle aimeroit à pouvoir toujours lui témoigner.

Le Soussigné, &c.

Le Chevalier de Zéa Bermudez.

NESSELRODE.

(3.)—*Mémoire communiquée aux Ministres de Sa Majesté Impériale auprès des Cours Etrangères.*

St. Pétersbourg, le $\frac{1}{3}$ ⁸ Avril, 1820.

LE Chevalier de Zéa Bermudez a présenté au Cabinet Impérial la Note ci-jointe en Copie, sur les évènements qui viennent de se passer dans la Péninsule, et que nous avoient déjà fait connoître les informations qui nous ont été transmises par nos Agens auprès des Cours Etrangères.

M. de Zéa se borne dans cette Pièce à nous prévenir, que la Constitution proclamée par les Cortès de l'année 1812, a été acceptée par le Roi, et témoigne le désir d'apprendre comment l'Empereur a jugé ce changement de régime.

Si l'on considère la distance qui nous sépare de l'Espagne, et des Etats qui sont le plus à même d'approfondir la nature des malheurs dont elle est menacée, on reconnoitra facilement que la position du Ministère Impérial à l'égard du Représentant Espagnol étoit difficile et délicate. La Révolution de la Péninsule fixe les regards des Deux Mondes. Les intérêts dont elle va décider sont les intérêts de l'Univers, et si jamais l'Empereur eût souhaité que l'avis de ses Alliés put servir à régler son opinion, certes, c'eut été au moment où la Note du Chevalier de Zéa imposoit à Sa Majesté Impériale l'obligation de se prononcer sur un évènement qui renferme, peut-être, l'avenir de tous les Peuples civilisés.

Cette obligation existoit cependant. Elle existoit, car de nos jours tout sujet de doute devient une arme pour la malveillance.

La nécessité de répondre à M. de Zéa étoit donc évidente, mais dans cette grave conjoncture il sembloit naturel qu'avant d'asseoir un

jugement, l'Empereur considérât le but que les Cours Alliées s'étoient proposées dans leurs relations avec l'Espagne ; qu'il consultât les vœux qu'elles avoient exprimés à cette Puissance, et qu'il prît pour guides de sa propre politique les principes de la politique Européenne.

C'est ce que Sa Majesté Impériale devoit faire. C'est ce qu'elle a fait.

Depuis l'année 1812, plus d'un Acte Diplomatique atteste la généreuse sollicitude que les diverses Cours de l'Europe ont constamment témoignée à l'Espagne.

Elles applaudirent à la noble persévérance avec laquelle ses intrépides habitans repoussèrent un joug étranger. Elles rendirent hommage à leur sagesse, lorsqu'ils sûrent railler, autour d'un Acte Constitutionnel, les intérêts les plus chers de leur Patrie, les intérêts de son indépendance. Enfin, à dater de l'époque où la Providence ramena Ferdinand VII au milieu de ses Peuples, elles ne cessèrent de reconnaître que des institutions solides pouvoient seules rassurer sur ses bases l'antique Monarchie Espagnole.

Les Souverains Alliés firent plus : dans le cours des longs pourparlers relatifs au différend du Rio de la Plata et à la pacification des Colonies, ils laissèrent assez comprendre que ces institutions ne seroient plus un moyen de paix et de bonheur, lorsqu'au lieu d'être accordées par la bienveillance comme concession volontaire, elles auroient été adoptées par la foiblesse comme dernière mesure de salut.

Interrogeons d'une autre part, les grandes transactions qui ont établi l'Alliance Européenne. Quel est l'objet des engagements que le 2³/₅ Novembre, 1818,* a vus se renouveler ? Les Monarques Alliés venoient d'effacer alors les dernières traces de la Révolution en France ; mais cette Révolution sembloit prête à y enfanter de nouveaux malheurs.

L'obligation des Monarques étoit donc, et leur dessein fut d'empêcher, que, parti du même horizon, le même orage ne vint une troisième fois désoler l'Europe.

Cependant comme s'il n'eut point suffi des alarmes qu'a excitées et qu'excite encore l'état de la France ; comme si les Gouvernemens et les Peuples eussent trop peu des doutes qui planent sur son avenir ; il a fallu que le génie du mal choisit un nouveau théâtre ; il a fallu que l'Espagne lui offrit à son tour un affreux sacrifice.

La Révolution a donc changé de terrain, mais les devoirs des Monarques ne sauroient avoir changé de nature, et le pouvoir de l'insurrection n'est ni moins redoutable ni moins dangereux en Espagne qu'il ne l'eut été en France.

Ainsi, d'accord avec ses Alliés, Sa Majesté ne pouvoit que désirer de voir accorder à la Péninsule comme à ses Provinces d'Outre-mer, un régime qu'elle regarde comme le seul qui puisse encore autoriser quelques espérances dans ce siècle de calamités ; mais en vertu de ses

* See Proceedings of the Congress at Aix-la-Chapelle.

engagemens du 3^e Novembre, 1818, Sa Majesté devoit frapper de la plus forte, de la plus solennelle, réprobation, les moyens révolutionnaires mis en œuvre pour donner à l'Espagne des institutions nouvelles.

Telle est la nouvelle idée qui se trouve développée dans la Réponse ci-jointe, que le Cabinet de Russie a faite au Chevalier de Zéa, d'ordre de Sa Majesté Impériale.

L'Empereur ne doute point que ses augustes Alliés n'en approuvent le contenu, et peut-être en ont-ils déjà adressé une semblable à la de Madrid.

Les mêmes vœux ont en effet pu leur inspirer le même langage, et convaincus comme Sa Majesté que jamais le crime ne portoit que des fruits impurs, ils ont sans doute déploré comme elle, l'attentat qui vient de souiller les annales de l'Espagne.

Nous le répétons, il est déplorable cet attentat, il l'est pour le Pé-ninsule; il l'est pour l'Europe; et la Nation Espagnole doit aujourd'hui l'exemple d'un acte expiatoire aux Peuples des 2 Hémisphères.

Jusque là, triste objet d'inquiétude, elle ne pourra que leur faire redouter la contagion de ses malheurs.

Toute-fois, au milieu de ces élémens de désastres, et lorsque tant de motifs se réunissent pour affliger les vrais amis du bien-être des Nations, peut-on encore s'attendre à un meilleur avenir? Est-il quelque mesure sage et réparatrice, dont l'effet soit de reconcilier l'Espagne avec elle-même, ainsi qu'avec les autres Puissances de l'Europe?

Nous n'oserons point l'affirmer, car l'expérience nous a appris à regarder presque toujours comme une illusion, l'espoir d'un événement heureux; mais si l'on se fioit aux calculs que l'intérêt personnel sembleroit devoir indiquer, s'il étoit permis de présumer que les Cortès obéiroient à l'instinct de leur propre conservation, on pourroit croire qu'ils se hâteroient de détruire, par une mesure solennelle, tout ce qu'ont eu de coupable les circonstances qui ont accompagné le changement d'administration en Espagne.

L'intérêt des Cortès s'identifie ici avec l'intérêt Européen. La soldatesque égarée qui les a protégés aujourd'hui, peut demain les proscrire, et leur premier devoir envers leur Monarque, envers l'Espagne, envers eux-mêmes, semble être de prouver, que jamais ils ne consentiront à légaliser l'insurrection.

Des espérances à cet égard ne paroistroient donc pas sans quelque fondement. Cependant l'Empereur est loin de les nourrir, et s'il admettoit la possibilité d'un aussi utile résultat; il la feroit dépendre de l'unanimité qui se manifesterait dans l'opinion des principales Puissances de l'Europe, sur l'Acte par lequel les Représentans du Peuple Espagnol devroient signaler l'ouverture de leurs délibérations.

Cet accord, toujours si puissant lorsqu'il prend le caractère d'un fait irrévocable, porteroit peut-être la conviction dans l'esprit des

Membres les plus marquans du Ministère de Sa Majesté Catholique, et les Cours Alliées sembleroit avoir un moyen facile d'imprimer à leur langage cette imposante uniformité.

Leurs Ministres en France ont traité jusqu'à ce jour en leur nom, avec un Plénipotentiaire de la Cour de Madrid.

Ne pourroient-ils pas aujourd'hui lui présenter en commun des observations dont le résumé va suivre, et qui rappelleroient au Gouvernement Espagnol la conduite ainsi que les principes politiques des Monarques Alliés ?

Ces Monarques diroient les 5 Ministres, n'ont cessé de former des vœux pour la prospérité de l'Espagne. Ils en formeront toujours. Ils ont désiré qu'en Europe, comme en Amérique, des institutions conformes aux progrès de la civilisation et aux besoins du tems, pussent procurer à la totalité des Espagnols de longues années de paix et de bonheur. Ils le désirent de même aujourd'hui. Ils ont souhaité que les institutions devinssent un bienfait réel par la manière légale dont elles auroient été introduites. Ils le souhaitent encore à présent.

Cette dernière considération fera deviner au Ministère de Sa Majesté Catholique avec quel sentiment d'affliction et de douleur, ils ont appris l'évènement du 8 Mars, et ceux qui l'ont précédé.

A leur avis le salut de l'Espagne, ainsi que le bien de l'Europe, exige que ce crime soit désavoué, cette tache lavée, ce scandale détruit.

L'honneur d'un semblable réparation semble appartenir aux Cortès.

Qu'ils improuvent et déplorent hautement le moyen employé pour établir un nouveau mode de Gouvernement dans leur Patrie, et qu'en consolidant un régime sagement constitutionnel, ils portent les Loix les plus rigoureuses contre la sédition et la révolte.

Alors, et seulement alors, les Cabinets Alliés pourront maintenir avec l'Espagne des relations d'amitié et de confiance.

Développées d'un commun accord par les Représentans des 5 Cours, ces observations signaleroient dès-à-présent au Ministère Espagnol, la ligne de conduite que suivroient les Gouvernemens Alliés dans le cas où les conséquences du 8 Mars perpétueroient en Espagne les troubles et l'anarchie.

Si ces conseils salutaires sont écoutés, si les Cortès offrent à leur Roi, au nom de la Nation, un gage d'obéissance, s'ils parviennent à asseoir sur des bases durables la tranquillité de l'Espagne et la paix du Sud de l'Amérique, la révolution aura été vaincue au moment même où elle croyoit obtenir un triomphe.

Si, au contraire, des craintes peut-être trop justes se réalisent, au moins les 5 Cours, auront-elles rempli un devoir sacré, au moins un nouveau fait auroit-il signalé les principes, indiqué le but, et démontré l'action de l'Alliance Européenne.

L'Empereur attend la Réponse des Cours de Londres, de Vienne, de Paris, et de Berlin, sur la Communication que son Cabinet leur

adresse à cet égard, et les prévient que le présent Mémoire est l'instruction qu'il a fait envoyer à tous ses Ministres au sujet des affaires d'Espagne.

NESSELRODE.

[See Confidential Minute of the British Cabinet, on the Affairs of Spain, May 1820. Vol. 1822, 1823. Page 71.]

REPORT of the Secretary of State to the Cortes, relative to the Foreign Relations of Spain.—11th July, 1820.

(Translation.)

If the situation in which Spain was left, not only by former years of incapacity and mismanagement, but likewise by those immediately succeeding the heroical but sanguinary struggle which secured the National Independence, has prevented this high-spirited Nation from successfully employing the arts of policy upon every occasion which has, of late, presented itself; if accumulated misfortunes have caused her to retrograde since the last century, when wisdom and sage counsels, authority and power, caused her to be, at once, respectable and respected; yet can her former and her recent triumphs never be effaced from the recollection of the Nations of the Earth; and the glorious deeds which we have all witnessed, are proofs that even her present state of decacy has been unable to impair her energies, to extinguish her ancient love for freedom, to lessen her character for moderation, or to weaken her sentiments of attachment to the Throne, and of fidelity to her King.

In the midst of events so calculated to discourage and afflict, the long desired and inevitable political regeneration, destined to restore to Spain her ancient magnificence and power, has at length taken place, the natural result of the Political Constitution of the Monarchy, the authority of which has been irrevocably established by the unanimous suffrages of the Nation, and by the paternal cares of a generous and beloved Monarch.

At this fortunate point we have arrived, happily preserving relations of perfect friendship and amity with the Powers in general. With 2 only of them have circumstances occasioned a misunderstanding,—the Portuguese Government in the Brazils, and the Republic of the United States of America. Negotiations have however, been begun, and are still pending upon the subjects of difference with those Powers.

The occupation of Monte Video by the Portuguese Troops in the year 1816, gave rise to disputes with the Court of Rio de Janeiro, and rendered it necessary to recur to the mediation of the Great Allied Powers, Austria, France, Great Britain, Prussia, and Russia: that mediation was undertaken by them, and commenced under the favourable auspices of a recognition of the justice of our cause, but its progress

has been interrupted, or prosecuted with indifference, and has not been productive of any result, because the Naval Expedition, so necessary an auxiliary of mediation, was never despatched, and because the peculiarity of our position could not fail to give to our Negotiations that character of diminished favor and influence, which are the usual concomitants of political transactions in all circumstances of difficulty and embarrassment. The whole attention of the Government, having been subsequently devoted to the great political change produced by the assembling of the Cortes, no further advance has been made in the Negotiation, and fresh combinations will necessarily result from the new state of things ; in which His Majesty's Government will not be found wanting, in all that can contribute to the prosperity, glory, and rights, both of the Crown and of the Nation.

The other Negotiation, now pending, relates to the Treaty concluded between the King and the President of The United States, on the 22nd February of last year, and not ratified by His Majesty. This Treaty had for object the settlement of disputes, the protracted duration of which rendered their termination the more imperative. The questions were,—the payment to The United States of a sum, claimed as an indemnification to their Citizens, for losses incurred in various ways, and the laying down a line of demarkation, which, by fixing the western limits of Louisiana, might put an end to mischievous errors, and to cavils and altercations of a most serious character. In the lengthened discussions which preceded that Treaty, the controvertible points of limits, &c. were sifted and argued with the greatest judgment and ability by the Spanish Ministry. By that Treaty, the King offered to The United States the cession of both the Floridas : various circumstances having, however, induced the Royal mind not to ratify it, His Majesty found it necessary to accredit a Plenipotentiary to Washington, for the purpose of making certain explanations. Having arrived at his destination, that Minister had scarcely opened the Negotiation, when it was interrupted by the intelligence of our political changes. The nature of this important Negotiation, and the indispensable necessity of submitting it to the consideration of the Cortes, (territorial cession forming one of its preliminary objects) preclude His Majesty's Secretary of State from being more explicit, until the moment, in all appearance not far distant, when, by order of the King, the whole matter will be laid before the Cortes for their special consideration.

France engaged to pay a large sum to the Powers of Europe, to indemnify them, as far as possible for the Claims which poured in upon her from all sides, as the result of her military triumphs. But before ascertaining each individual demand, it was of course necessary to go through the tedious operation of a general investigation, the delay consequent upon which caused the accumulation of a considerable sum destined for the Claims of the Subjects of Spain : in the extraordinary

emergency in which the Government found itself, when fitting out an enormously expensive Expedition, at a time too when its Treasury was exhausted, no other alternative presented itself, than that of appropriating the money in question to an object of such vital importance ; this, however, was done by way of Loan, and every means suggested by a sense of justice was adopted, for the security of the Capital and the punctual payment of the interest. The details of this transaction will be laid before the Cortes ; since it is as much His Majesty's anxious desire that a strict regard should be paid to the Claims of the Creditors, as it is the duty of the National Representatives to sanction the necessary arrangements to be made for the payment of them.

We continue in a state of harmony with the Barbary Regencies, and it is hoped that no interruption will be experienced to that with Algiers, although it has for some time past advanced unjust Claims upon pretended Debts, and has lately sent to sea 5 Corsairs, whose intentions are, at least, suspicious. The Naval Squadron of The Netherlands, which, agreeably to the Stipulations of the Defensive Treaty, concluded at Alcala on the 10th August, 1816, with the Sovereign of that Country, was to act in concert with a Spanish Force, in repelling any attacks which might be meditated by those Regencies, has arrived off Gibraltar, where it remains to watch the Algerine Ships ; whilst His Majesty's Government, animated by the wish of scrupulously fulfilling the Stipulations of the Treaty, and of protecting our Coasts and Commerce, are, notwithstanding the well known embarrassments of the Treasury, making every exertion to enable our Contingent to join that of our Ally.

The most satisfactory Answers have been received from the different Cabinets, to the Official Communication, made to them, first by the Minister, and afterwards by His Majesty himself, announcing the change which has taken place in our political system. In fact, nothing appears more difficult, than for those at a distance from the scene of action to comprehend, how so vast a change could have been effected with such unexampled discretion and tranquillity ; but the measures which have been adopted since the month of March, those which are now in progress, and will be accomplished, with so much honour and glory for this loyal and judicious Nation, and for its magnanimous and beloved Monarch, by consummating the work of our temperate proceedings, will succeed in securing to us the universal respect, nay the admiration, of all the Nations who are observers of our conduct.

In short, our relations with all the Powers are those of friendship and perfect harmony ; and the only subjects which require negotiation and adjustment, are the differences to which I have above alluded.

11th July, 1820.

EVARISTO PEREZ DE CASTRO.

REPORT of the Secretary of State for the Ultramarine Provinces, to the Cortes of Spain.—11th July, 1820.

(Translation,)

THE establishment of the Political Constitution of the Monarchy, on the memorable 9th of March of the present Year, was followed the next day by my appointment to the Secretaryship of the Colonies, with which the King was pleased to entrust me ; but, notwithstanding the most strenuous exertions, the re-construction and organization of the Office could not be accomplished for several days, owing to the dispersion of its Functionaries in many and distant Countries. The first step towards the due arrangement and furtherance of its duties, was to collect together the whole of the business which had been distributed among the different Secretaryships, and other Establishments, suppressed by the new order of things, although it properly belonged to this Department, in virtue of the powers, which, on its creation by the Decree of the 6th of April, 1812, had been conferred upon it by the Extraordinary Cortes. The collection and classification of these crude and undigested materials have been no less irksome and tedious, than difficult and embarrassing, both from the confusion naturally consequent upon their passing through such a variety of hands in so many different quarters, and from the dissimilar and peculiar methods adopted by each Office in the arrangement of its Papers: if to this be added, the difficulty of obtaining the Documents that occasioned the Orders and Instructions which had emanated from the Secretaryship itself, previously to its extinction ;—of procuring all the Books and Registers in which are recorded the important affairs which had been transacted by it ;—the ineffectual search for all the Manuscripts, Memorials, Reports, Maps, and other aids so indispensable in such a vast Establishment ;—some idea may be formed of a task as disagreeable as it was necessary to the public service, and of the time consumed in an occupation, which, although unavoidable, diverted the attention from objects of acknowledged utility. Not a moment however, was, on this account, lost, in communicating to all the Ultramarine Provinces, the joyful events which had occurred in this Capital, and in every part of the Peninsula, and in ordering the Political Constitution, promulgated at Cadiz in 1812, to be immediately acknowledged and sworn to, and the Authorities and Public Bodies provided by it re-instated and re-organized ; at the same time abolishing or modifying those which it suppressed or reformed, conformably to what had been done at the happy epoch, when it was proclaimed and sworn to, for the first time, in those Regions.

It could not escape the wisdom and profound policy of the King, that so favourable a crisis was the best and most desirable opportunity, for re-uniting the affections of all his Subjects in both Hemispheres ;—for reconciling and attracting them towards the new paternal and equitable Government that he had established, and in which are to

be found all the elements of the prosperity of a Monarchy, and of the welfare of the Individuals composing it,—for dispelling errors, redressing grievances, and restraining excesses,—in short, for creating a public spirit which should quiet all apprehension, and inspire universal hope and consolation, by the cheering prospect rationally presented by a firm and united Government, any change in which was next to impossible. For these grand objects, the King addressed a Proclamation to the Inhabitants of South America, in which are expounded to them, in terms the most solemn and perspicuous, the beneficent views and wishes of His Majesty, with respect to those his Subjects, and the conduct to be observed towards them by all the Magistrates governing in his name; since, to him who is invested with real power, and at the same time firmly resolved never to abuse it, persuasion is much more pleasing than compulsion, even at the risk of the imputation of weakness.

The paternal intentions of His Majesty were seconded by the Council of State and the worthy Provisional Junta of this Court, who, being consulted upon the mode of announcing to America the important events which had taken place, approved of the Government plan, and, at the same time strongly urged the adoption of proper measures for putting an end to a fratricidal War, for effecting a sincere reconciliation, and for burying in eternal oblivion all past animosities. They likewise recommended particularly that the Oath to the Constitution should be administered throughout all the Provinces, whether dissident or well affected; and that even those which might refuse to take it, should be invited to send Deputies to the Cortes, or to explain through the medium of Commissioners the reasons for their dissent. Acting upon these suggestions, the Government has done its utmost to accomplish the objects so universally desired,—of extinguishing the Civil War, and of arresting those frightful calamities which, for so many years, have afflicted and desolated those Regions; and, instead of awaiting the arrival of the Persons who might be deputed by the Dissentients to explain their wishes, the King has determined to send out Commissioners with ample Instructions, to grant in his name, provisionally, and until the decision of the Cortes, whatever they may consider the best calculated to promote the welfare, power, and dignity, of the State, upon the unalterable basis of an indissoluble union with the Mother Country.

Influenced by the same feeling, the King has alleviated, as much as possible, the situation of all his American Subjects, who are either imprisoned or under arrest in the Peninsula. Those sentenced or condemned for having been taken with arms in their hands, or for having been in any respect concerned in the Insurrection, have for the most part been set at liberty, but are not allowed to repair to the South American Provinces; while those who, from precaution, have been sent over from thence without trial, have had Passports

granted them for their return. It was the King's anxious wish, that this indulgence should have been general; but the Junta, who were consulted upon the subject, advised the exception to be made: this mode of proceeding is, therefore, conformable with the Constitutional system, since the Cortes alone are competent to grant and publish an Act of Amnesty.

This delicate and difficult question should supersede all others in claiming the attention of the Cortes: the pacification of the South American Provinces is one of the most serious and important objects that can occupy the deliberations of the Congress: all its wisdom, consummate prudence, and refined policy, will, perhaps, be insufficient to bring about a happy result, without which every other measure will be but imperfect and illusory. Vain will be the anxiety of the Government in conceiving vast plans of public prosperity, education, and commerce; vain will be all its labours for promoting agriculture, advancing the arts, and favouring industry:—without pacification, tranquillity, and order, all its efforts will be unseasonable and ineffectual, and the advance or retreat of an Army in the day of battle, or the sudden assembling of a mob, will suffice to disconcert and ruin the best concerted projects.

The King does not flatter himself that the steps which he has taken will produce an immediate reconciliation; but he trusts that the People, wearied out with repeated disasters, deceitful promises and chimerical hopes, will at last pause, and ask themselves what they once possessed, and what they have lost;—what is offered to them on either hand, and which they can secure with the least expense and risk;—which of the two will procure them the greatest advantages—a Peace that they can immediately obtain with honour and credit, or a sanguinary Civil War, of doubtful result and of indefinite duration. This inquiry, if calmly and dispassionately made, will be an infallible prognostic of the Nation's triumph; for reason, when united with personal interest, will not fail to overcome the influence of the passions, and of unnatural views, which are diametrically opposed to the common good of all the Provinces. The effect will, necessarily, be more or less slow in proportion to the moral condition of those capable of reflection; but, when once the power of thinking has become general among the People, and the recollection of the immense and fruitless sacrifices they have made, shall harass and torment them with the dreadful certainty that those sacrifices must be repeated a thousand times, with as little success, a conviction of the truth will then be more irresistible than power itself, and peace and conciliation will be the happy results of that mental agony.

But whatever the consequences, the King, by adopting these measures, has given to all his Subjects, and to Europe, an irrefragable proof of his love for humanity, and has shown that, should necessity or obstinacy again kindle the torch of War, his wish has ever been the

preservation of Peace : under these circumstances his conduct will be fully justified, inasmuch as he embarks in a just cause, with upright intentions, and lawful authority : he is always disposed to reward merit, and to pardon error ; for clemency is an infallible palliative of those political diseases which appear to be absolutely incurable.

The severe but unjust accusation has been brought against the Government, that these principles are directly falsified by its actual operations, and that, at the very moment of proclaiming them, a great naval and military Force was being collected for the express purpose of crushing those whom it affected to invite to a reconciliation. This malicious assertion is completely unfounded. The Government, it is true, has fitted out an Expedition for the American Continent, but it is for the purpose of chastising the Pirates which infest those Seas, of exterminating those insolent adventurers by whom no Flag is respected, and of proving, if necessary, that when the King has large Forces at his disposal, he is then most anxious to abstain from employing them. But supposing that this were not done, who would not then attribute the proposals for accommodation and the simultaneous cessation of hostilities, to pusillanimity and weakness ? And should the Insurgents unfortunately despise these proposals, or refuse to listen to them, must the national arms remain without support, and without the means for effective operations upon every point ? The Accusers see, or pretend to see, in the measures suggested by prudence and precaution, hostile preparations for protracting the contest which they are anxious we should abandon ; and, such is their infatuation, they assert that we sanction and applaud the motives and object which originated the struggle, and regard as a crime whatever tends to moderate or terminate it. Nothing is more difficult than to find a reason for the aberrations of imbecility : and thus all that has been said or written upon this subject is so grossly absurd, so contradictory, and so puerile, that even a contemptuous notice of it would be an honour of which it is utterly undeserving. The Government well knows, that success is much better attained by persuasion than by force ; but it is also aware, that force is an admirable auxiliary to persuasion, especially in civil disturbances, in which nothing can be more incompatible with success than ordinary measures, because every thing being subverted by ambition, private hatred, and party vengeance, all is abandoned to the effect of chance and time.

The scanty intelligence received from the Ultramarine Provinces by this Department, during the short period since its establishment, is wholly insufficient to give to the Cortes an adequate idea of the present state of those Dependencies. All those comprehended within the limits known by the name of Lower Peru, remain tranquil ; and their Inhabitants, especially the Indians, continue to give the most satisfactory proofs of fidelity and attachment to the Mother Country. Perfect security reigned in Lima, in consequence of the active and ju-

ditions measures adopted by the worthy Viceroy, for protecting that City from all attacks. At Arequipa a Division of Reserve was posted, to be reinforced, if necessary, by 2 Regiments of District Militia. Almost all the Capitals of the Provinces of Upper Peru were garrisoned by European Troops, whilst Oruro was occupied by a competent Force, and all contributed to maintain order, and to correct the popular feeling, which showed some symptoms of being influenced by past events.

In Chile, commotions have taken place, in consequence of the occurrences at Buenos Ayres, but as yet the intelligence, received through various channels, of the deposition and death of the insurgent Chief who commanded in that Country, requires confirmation.

In the Provinces of the Rio de la Plata, a general subversion of the established Government took place at the end of February. As in those Countries a true estimate of things does not always furnish the motives for conduct, a great difference necessarily exists in men's actions, although their divergency from rectitude can scarcely be detected except in their ultimate effects: and thus, by this general deviation, error remains not only uncorrected, but greatly multiplied. Thus for many years a desire for change has manifested itself, which must keep the inhabitants of Buenos Ayres in continual anxiety and alarm. Governments with their Chiefs suddenly succeeding each other; Friendship and enmities, peace and war, reconciliation and hatred; while, unfortunately, by no change does order supersede anarchy, or respect for the Laws, economy and good Government regain their sway. So precarious a state of things creates well grounded apprehensions lest these party struggles terminate to the advantage of some powerful Umpire, notwithstanding the rooted abhorrence expressed for their neighbours, by the new confederated Chiefs, whose next quarrel will be the sure forerunner of their complete ruin.

A few hundred Adventurers, coming from Europe, have recently invaded the new Kingdom of Granada, under the pretence of giving liberty to the Natives, who, the very instant of their arrival, began to be clamorous for a boon, which would, inevitably, lay them at the mercy of the pride and caprice of a few Foreigners, whose sole object is to glut their own avarice and rapacity. This new species of misfortune was reserved for those simple and credulous People, the mere puppets of every bold and crafty intriguer. Productive, however, as this irruption was, of anxiety to the loyal Chiefs who govern those Provinces in His Majesty's name, it will cease to be alarming, notwithstanding their many boasted victories; for no sooner will these Adventurers assemble for battle, than they will quarrel among themselves about the division of the spoil. The pride and haughtiness of the leaders of these licentious and ferocious bands, are as averse to good counsel and advice, as to stability of purpose. Undertaking, at the suggestions of arrogance, operations inconsistent with their resources, their power and energies will become weakened,—their enterprizes

will want vigour,—and it will be an easy task to resist and overthrow them. If the People of that Viceroyalty have received this band of Foreigners with a degree of mistrust, and, in order to avoid certain destruction, have refused to co-operate with them; if, as it is to be hoped, the loyalty of Quito stands unshaken; and if the troops of that Province, reunited to the already organized remains of the national Army which was in Pasto, have gained the reported advantages in Popayan; the progress of the arms of these Adventurers will have been arrested and paralyzed, and they will have been again successfully encountered.

To the same circumstances also will Venezuela be equally indebted for her successful resistance of an invasion undertaken from Santa Fé by another band of Adventurers, who had established themselves in the small City of Hacha, on the river of that name, and threatened Maracaibo. Although the Commander in Chief of those Provinces possesses every qualification of the soldier, and all the resources for effectually opposing the efforts of his Opponents, yet, it must be confessed, his situation is hazardous and critical, notwithstanding the number and superior excellence of his Troops, accustomed to victory, and having confidence in the skill of their Generals. Under these circumstances, therefore, much greater reliance must be placed upon good fortune than upon abilities, however distinguished. The continual alternations of fortunate and untoward events, experienced during the long course of this disastrous war, should teach us to be equally upon our guard against presumption and despair. Some favorable intelligence, although not official, lately received, encourages us to hope that the Constitutional system will be welcomed in Venezuela, for the events, which took place in the Peninsula at the beginning of March, having become known at Guaira, at the end of April, the inhabitants testified their joy and satisfaction at the agreeable news, which promised to make a still more favorable impression upon the Countries of the interior, among both friends and foes.

The Official Despatches from New Spain are also highly encouraging and satisfactory. The long administration of the whole of that Territory, by a Chief possessing amiable manners, approved probity, and above all, unshaken fidelity in fulfilling his engagements, has gradually restored lost tranquillity, by inspiring all classes of inhabitants with a reciprocal confidence, which constitutes the firmest basis for a sincere and lasting reconciliation. Convinced that the frequency of capital punishments exasperates the people, he has employed the true means for subduing men's wills, without debasing them; for mildness and forbearance, kindness and lenity, by insuring the repentance of the guilty, are more efficacious than chastisement. Scarcely has he used the supreme power with which he is invested, but to confer benefits: the most formidable Enemies of the Mother Country have been sure of finding refuge and protection, upon laying down their arms and

appealing to his generosity : by this means, the conquered found it to their advantage afterwards in being so, and were prevented from acting injuriously to his cause ; nothing being more certain than that they who have received unmerited favours will, in future, be unalterable in their fidelity, because no one is more interested than themselves in maintaining it. By acting upon these philosophical principles, he has almost cured the evil of the State, without the knowledge of the delinquents themselves, and extinguished animosities, as inveterate, as the causes in which they originated were ill founded. It must not, however, be inferred from this, that the Predecessors of the present Viceroy did not avail themselves of the extraordinary means and resources, which, in times of difficulty and danger, characterize the man of ability and valour. They alone met and resisted the violent shock of the first commotions ; and, to their eternal honour and glory, it must be confessed, that at their personal risk and peril, they cleared and opened with their swords that path, which policy has since pursued with but little deviation.

Of the last convulsions, scarcely any vestiges remain, calculated to create uneasiness. In the Province of Vera Cruz, and along the line of road from Puebla to Mexico, every symptom of insurrection has disappeared. The Province of Oajaca has recovered from its losses, and an abundant harvest of grain, such as is seldom seen, in value about 2,000,000 dollars, have realized the hopes of its peaceable and simple inhabitants. In the Provinces of Valladolid and Guanajuato, and on the borders of New Granada, several bands of insurgent Cavalry and Infantry, indefatigably pursued by the National Troops, have taken refuge ; but from the total absence of aid of every description and their inconsiderable numbers, it is supposed that they cannot long continue in that situation, and that they will either disperse, or embrace the pardon which continues to be offered to them. Perfect tranquillity reigns throughout the extensive Intendancies of Zacatecas and S. Luis Potosi : the roads were secure and the traffic active and uninterrupted. On the side of Acapulco some bands of Insurgents still remained, whom it was difficult to dislodge from their position, on account of the ruggedness of the ground, and the insalubrity of the Country for the Troops employed in their pursuit. In the Provinces of the interior, all the Adventurers who had endeavoured to establish themselves in Tejas had either dispersed or been exterminated : those who had succeeded in fixing themselves in Galveston still remain there, owing to the want of a Maritime Force with which to compel them to quit that Port. In New Mexico the most active measures had been taken to reinforce and strengthen all the Military points and defiles of that frontier, in order to prevent stragglers, supported by the revolted Indians, from passing through Upper Louisiana, for the purpose of establishing themselves in that Territory.

The commerce of the 2 Californias begins to assume a favourable

aspect in its intercourse with the Port of Guaimas in Sonora, ordered to be constructed by the General and Extraordinary Cortes, with that foresight which characterizes all their measures; and in order to give an impulse to that traffic and intercourse, a monthly post has been established between that Port and those 2 Provinces. The commerce also of all the Countries in the interior is becoming more extensive and advantageous; the mines of the Real de Catorce are recovering, and it is hoped will soon be re-established: those of Zacatecas are as flourishing as in the times of their greatest prosperity: while those of Guanajuato, broken up and almost entirely ruined by the disastrous events of the Revolution, of which that City was the centre, begin to exhibit signs that they will one day be again, what they were in happier days, the source and support of the commerce and agriculture of New Spain.

The coinage of money, however, increases but very slowly in that Kingdom: last year it but little exceeded the sum of 12,000,000 dollars, which is little more than half what was coined in the periods of its greatest prosperity. But this considerable diminution must not be wholly attributed to the scarcity of bullion: it is partly owing to the great quantity smuggled out of the Country in bars. The scarcity, however, exists to a certain degree, and must be considered, by all the merchants and public economists of Europe, as the cause of that immense falling off in the circulation of specie, throughout the markets; since, supposing that in New Spain before the Revolution, one year with another, 22,000,000 dollars were coined, and that in the 10 years of anarchy, only 8, 9, 11, and 12, or upon an average, less than 10, there will result the immense *deficit* of more than 120,000,000 dollars; which it is impossible to supply by means of any resources of exchange or mercantile speculations. This is the principal reason why all the Powers of Europe should have strenuously and sincerely co-operated in endeavouring to put a stop to the dissensions of America; for, besides the good they would have effected for the cause of humanity and of morals, they would thereby have saved their own Commerce from a partial ruin, which will not fail to be complete should this state of convulsion and disorder continue.

The Island of Cuba, at present, affords to Europe and to the whole of America, a just cause of admiration. The Port of The Havana, to the detriment of that of Cadiz, has become the chief emporium of the commerce of the Antilles: and its agriculture and population, simultaneously with its trade, which is carried on in 1,040 Vessels, have increased in wonderful proportions. By the last census, corresponding to the Year 1817, and taken in 1819 by order of the Captain-General, and with the consent of the distinguished and zealous Intendant Don Alexander Ramirez, it appears, allowing for a few errors, that the number of its inhabitants is 598,339, including 1,034 Ecclesiastics, secular and regular, and a few Nuns; 19,430 military, and 25,976 Negro

Slaves imported in 1817; and if to these be added 32,641 Foreigners going to and fro, the total amounts to 630,980. Taking only the first, as the total number, and dividing it according to the classes composing it, we shall find 129,656 white males, and 109,140 females; and 183,209 males, and 130,993 females, of colour. Two deeply afflicting reflections cannot fail to strike the observer, upon carefully examining the tables of this interesting census: the first is, that the number of females of colour is 52,216 less, while in the Whites the deficit is not more than 20,516 less than that of the males: and the second and most alarming is, the increase of the Black Population, compared with that of the White; the number of the former exceeding that of the latter by 75,406 individuals; and if to these be added the 25,976 new Slaves, imported in 1817, and not included in the details of the calculation, in which this difference appears, but added to the sum total of it as a separate item, the real difference in the said year 1817, will be that of 100,382 individuals. The consideration that many thousands are thus kept in a state of exasperation at being deprived of the means of lawfully multiplying their species, naturally excites a mortal hatred of a system, and of the measures hitherto adopted in a disgusting traffic, which occasions such an accumulation of persons to be condemned, for no crime, to a forced celibacy, for which they cannot even obtain the merit allowed to those who spontaneously make that great sacrifice. On the other hand, who is there that does not shudder at seeing so great a superiority in numbers of a class in such a degraded condition, who cannot but feel the liveliest anxiety and impatience to better that condition, and to raise themselves at least to a level with that class of the people, which, although the lowest, is nevertheless free?

In the City of The Havana and its suburbs, there is a population exceeding 80,000 souls, but the Whites and the People of Colour are nearly equal in numbers. In the environs within a circle of 10 leagues, and in the Cities and corporate Towns, the proportion is different, the number of People of colour being somewhat superior. In other Territories, such as the Philippines (without reckoning the *Guines* and others,) the White Population generally exceeds the other by about one-third. In Puerto Principe and Matanzas it is nearly equal; and in Trinidad and its district the Whites compose three-fifths. In the City of Cuba, and its territory, the People of Colour greatly preponderate, since they amount to no less than about seven-ninths of its whole population: hence this District requires a more vigilant attention than any other. The proportion between the Mulattoes and the free Negroes from 1 to 15 years of age, and from 15 to 60, may be reckoned as nearly equal: the Mulatto Slaves, in proportion to those of the Negro class, may be calculated at one-tenth of those comprehended between the ages of 15 and 60, and one-sixteenth of those from

1 to 15 years of age. In general, the Mulattoes and free Negroes together amount to about two-fifths of those who are Slaves; so that upon the supposition, by no means to be relied upon, that, in the event of a convulsion, the class of Free Colour should join that of the Whites, even then the latter would not be very superior in numbers to the Slaves. The knowledge of this fact, and the impossibility of continuing the traffic for Slaves, has suggested the idea of promoting the White Population; for which purpose the Establishments of Nuevitas, 18 leagues from Puerto Principe, Jagua to the south, and Guantanamo on the windward side of Cuba, and some others, have been formed; but, however prosperous they may be, they will be wholly inadequate to counterbalance the vast numbers of Negroes, which have been introduced every year; the losses, however, to agriculture and commerce, consequent thereupon, will be compensated for by increased tranquillity and security.

The commercial spirit which prevails in The Havana and throughout Cuba, had a powerful influence in creating the preference which has been always shewn there to the Constitution; and the People, as well as the Garrison, received with the utmost enthusiasm, in the middle of last April, the intelligence of the events which had occurred in Spain; and it is worthy of remark that, in the violent ebullition of their joy, not the least disorder or excess was indulged in.

The same welcome reception may be hoped for from Porto Rico, the whole Continent of America, and the Philippine Islands; because those only who wilfully forget their duty, for the advancement of their private interest, can indulge the chimerical idea of being superior to public opinion;—that universal power which energetically directs all the actions of the more enlightened portion of the People, and teaches them to watch over the measures and systems of Government, in an infallible, impartial, and vigorous, manner. To those who know the real condition and political situation of the Provinces of South America, it is not a flattering prophecy, but a truth capable of certain demonstration, that nothing can be more grateful or delightful for them than the Constitutional System; because, under its protection, things can, without danger, be understood in their true sense, and opinions delivered without reserve; because, under it industry revives, trade prospers, property is respected, and individual security is protected; and in short, because the Laws are made by the Representatives of those whose duty it is to obey them. And in what part of the World more than in Ultramarine Spain does there exist a greater necessity for such incomparable benefits?

That a moment might not be lost, the King's Circular upon the convocation of the present Cortes, together with the Instructions accompanying it, were despatched thither by this Ministry, in order that the election of Deputies might be proceeded in without delay; it was also

ordered that pecuniary assistance, from the Municipal Funds and Treasuries of the Nation, and from every other source without exception, should be supplied, to enable them to reach the Peninsula with the celerity desired by all. To these arrangements was added that of forwarding correct Copies of the Constitution, for the purpose of their being reprinted with the utmost exactness in the Capitals of the Captain-Generalcies and Viceroyalties, and sold to all who required them, at prime cost; with especial instructions that the Curates should read them to the Public on all Festivals Days. And as nothing in these matters is so persuasive, as positive evidence of the advantages and benefits which may reasonably be expected to result from a reform and a change so ardently desired, the King has also commanded, by means of a Decree issued on the 16th of April, that all the Decrees of the General and Extraordinary Cortes, in favour of South America, should be published, circulated, and executed. And lastly, intelligence was transmitted that the Cortes continued assembled, and that the King, amid the universal acclamations of the People, and with a pomp and solemnity unprecedented, had voluntarily taken the oath of fidelity to the Constitution, in the presence of that Body.

This has been done, and more will be done hereafter. The judicious Decrees of the Cortes will furnish a model for all the measures to be pursued: the Ministers, my Predecessors, have had no other guide, nor can any one without peril pursue a different course. The Cortes will judge from the 2 Reports made to it at the end of 1813, and the beginning of 1814, of the extended views of the Government towards all the Ultramarine Provinces; for the regulation of their municipal and economical administration; of the system of public education; charitable institutions; civilization, and the public health; internal commerce and navigation; division of lands; census of population, and the other branches of statistics; improvement of the mines;—and, in short, of all that can contribute to the happiness and tranquillity of their inhabitants.

All appearances tended to induce the hope that the American horizon would become resplendent with the light of so much wisdom; but unforeseen and lamentable occurrences have disturbed the peace of its happy and serene days, and dissipated those joyful anticipations. But it belongs not to Contemporaries to pass judgment upon the astonishing events of the day: that painful and afflicting task belongs to the impartial pen of the historian; and it is our duty to throw over such deplorable scenes a thick veil, which the tardy hand of time may gradually unfold, to shew to future generations the true causes which have produced so many evils.

Palace, 11th July, 1820.

ANTONIO PORCEL.

CORRESPONDENCE between the Spanish and Colombian Authorities, relative to Negotiations for Peace.—June to November, 1820. (Translation.)

(1.)—*The Spanish General Morillo to the Congress of Colombia.*

MOST SERENE SIRS, *Head-Quarters, Caracas, 17th June, 1820.*

YOUR Serene Highnesses being no doubt apprized of the events which have lately occurred in the Peninsula, and the triumph of the general wish of the Nation for the re-establishment of the Constitution of the Spanish Monarchy, as sanctioned in Cadiz in the Year 1812, by the unanimous vote of the Representatives of both Hemispheres; and positive orders having been received by me, from the Constitutional King of the Two Spains, to enter into a liberal and fair accommodation, which may re-unite the whole family, so that all may enjoy the benefits of our political regeneration, and an end be put to the fatal effects of the variances which originated in the desire of being relieved from that oppression which was erroneously thought to be peculiar to these regions, but which, in fact, was universal throughout the whole Empire; I hasten to inform your Highnesses that I have opened a communication with the Military Commander-in-Chief of your Government, and his Officers, and have proposed a suspension of hostilities, until a reconciliation can be effected; for the accomplishment of which object, Brigadier Don Thomas de Cires, Governor of the Province of Cumana, and Don Joseph Domingo Duarte, Intendant of the Army, and Superintendent General of Finance, are commissioned to treat with your Highnesses on an equitable, proper, and mutually advantageous basis. In the meanwhile, I have issued orders to my Officers to carry the suspension of hostilities into immediate effect, and to remain in the positions they now occupy, unless they are attacked.

As a Military Chief, obedient to that subordination by which my career has ever been guided, I made war; and now, as a reconciliator, I cheerfully submit to the same subordination, and exhibit those principles of liberality, which the King and the Nation have authorized me to act upon, in order to restore peace and reconciliation to a People by nature Spanish, and who, by the concurrence of circumstances, are entitled to participate in the enjoyment of the reform effected in our Political Institutions.

Your Highnesses ought to lose sight, as I do at this moment, of the horrors of War: let us fix our views solely on the sweet and delightful hope of uniting sons to fathers, brothers to brothers, friends to friends, and Spaniards to Spaniards, whom a fatality had divided; and for so desirable an end, let us join in welcoming a conciliatory Constitution, which we shall improve by mutual consent, as the judicious experience of things may dictate. It equalizes the National representation of both People: one does not depend upon the other, and consequently each is free and independent. In its suffrages rests the authority of [1819—20.]

forming the Laws which are to be obeyed, and those regulations of political economy for the improvement of agriculture, commerce, the arts, and every species of industry, without those odious distinctions which the petty policy of past ages had adopted.

The Commissioners will lay before your Highnesses the principles of reconciliation, and I am thoroughly persuaded that affection and goodwill will establish fraternity, even should your Highnesses, from the recollection of what has passed in the epochs of fury and desperation, hesitate to agree at once to the proposals of the Nation, which originate in the wish with which it is animated, of rendering its triumph general to all Spanish Countries in the four quarters of the globe, where its ancient Laws had reached, and where its new Institutions will be the more readily received.

What an agreeable metamorphosis it will be for us all, when we can unite, and I be able to present myself without the apparatus of War, and merely as a peaceable Spanish Citizen, joining in the general expression of joy at the victory reciprocally gained over our passions? Until this be done, your Highnesses will never be able to graduate the difference between the General and the Citizen, in one who has the constitutional honour of being, Your Most Serene Highnesses' most obedient Servant,

PABLO MORILLO.

The Most Serene Congress assembled in Guyana.

(2.)—*The Spanish General Morillo to the Colombian General Montillo.*
 MOST EXCELLENT SIR, *Head-Quarters, Caracas, 17th June, 1820.*

THE great and happy events of March, in European Spain, may not, perhaps, have yet reached the notice of your Excellency. His Majesty, always attentive to the good of his beloved People, has spontaneously divested himself of the power which his Predecessors had exercised for 3 Centuries, and sworn to the observance of the Political Constitution of the Monarchy, which was sanctioned by the Cortes on the 18th of March, 1820, in accordance with the universal will of the Nation. Never did a King give such positive proofs of the rectitude and sincerity of his principles, nor make so heroic a sacrifice for the happiness of his Subjects. The Peninsula of Spain took that celebrated Oath in an instant; and the Provinces of American Spain have followed its example in the midst of the acclamations of the People, causing, by their noble conduct, the horrors of intestine War to disappear, as ought in such circumstances to be expected.

The Gazette, which I send to your Excellency herewith, will prove to you these facts. The King, seated upon the august Constitutional Throne of the Spains, and amidst the many and weighty occupations which the changes in the Fundamental Law entail upon him, has, by one of his first acts, turned his eyes towards those Provinces of the Monarchy, which have been devastated by a War, that originated in a fatality of circumstances, produced either by an error of calculation,

which has made more horrible the re-action of the Parties, or in a lamentable spirit of revenge, which has occasioned atrocities the more violent, in proportion as the relationship between the Parties was near. It has had no other result than the devastation of Venezuela for principles, perhaps, wholly equivocal. The King, penetrated with sorrow, has seen the misfortunes of these portions of his great Empire, and has thought that the happiness and satisfaction of his paternal heart would not be complete, unless it opened all its beneficence, and put in action all the means possible to terminate those misfortunes. His first step has therefore been to address to these People the annexed Proclamation, full of moderation and goodness, and worthy of the gratitude of his Subjects, and the admiration of Foreigners. His Majesty, in consequence, not putting narrow limits to his generous intentions, has authorized me particularly to treat with the dissenting Governors; to invite them to explain their views and wishes, and afterwards to cause to disappear for ever the memory of past events. In order, therefore, to fulfil the commands of the King, and to gratify my own wishes, I address myself, under this date, through the medium of Commissioners fully authorized, to the Authorities actually governing in the separated Countries, in order, in the manner the most clear, satisfactory, and desirable in human prudence, to terminate the dissensions of Brothers. But as it is impossible to listen to, or understand, each other, with arms in our hands, it is necessary to suspend them, with a view to bring about, during the suspension, that state of calm which gives place to reason, and in which the heat of the passions subsides. For this purpose, and under this date, I give orders to the Commanders of the various Divisions of the Military and Naval Forces, under my command, that they cause hostilities to cease on their part, and remain in the Territory which they occupy; and that they count upon this necessary suspension, from the day on which your Excellency receives this, and until one month afterwards. But it not being equally possible that this indispensable measure may be communicated to the Government upon which you depend with the necessary promptitude, I have thought it proper to address directly to you so interesting a Communication.

I expect that your Excellency will acknowledge the frankness of this proceeding, the sincerity of my intentions, and the goodness of the King, who is anxious only for the re-union and happiness of the Great Family.

God preserve, &c.

Señor Don Mariano Montillo.

PABLO MORILLO.

(3.)—*The Congress of Colombia to the Spanish General Morillo.*

MOST EXCELLENT SIR,

New Guyana, 13th July, 1820.

THE Sovereign Congress, having been specially convened, for the purpose of considering the Letter addressed to it by your Excellency, from your Head-Quarters at Caracas, the 17th of June last, informing it that Brigadier Don Thomas de Cires and Don Joseph Domingo Duarte

were commissioned to proceed to this Capital, in order to solicit the union of these Countries with the Constitutional Monarchy of Spain, and to submit the basis of reconciliation proposed by the Nation, that August Body met, on the 11th inst. in a public sitting, and I transmit, in reply to your Excellency, the following :

Decree. " The Sovereign Congress of Colombia, desirous of establishing peace, will hear with pleasure any proposal which may be made on the part of the Spanish Government, provided it has for its basis the acknowledgment of the Sovereignty and Independence of Colombia, but will admit none that does not contain that principle, so often declared by the Government and People of the Republic."

The President of the Sovereign Congress has the honour, &c.

FERNANDO DE PENALVER.

H. E. Don Pablo Morillo.

FELIPE DEPIANO, *Secretary.*

(4.)—*The Spanish General de la Torre to the Colombian General Bolivar.*
 MOST EXCELLENT SIR, *Carthagená, 20th July, 1820.*

YOUR Excellency well knows, and will, as I do, acknowledge in your heart, that family disputes tend always by a natural impulse to a fraternal reconciliation, particularly when the principal Agents act with good faith, and have in view the public happiness. The Spanish Nation, whose European and Ultramarine sons have been so long at variance, has at length obtained the permanent re-establishment of the Constitution of 1812, which cannot fail to be a bond of re-union, or the means of effecting it: the individuals of society can aspire to nothing beyond the attainment of a liberal, just, and wise Government, whose object cannot but be manifest in the Fundamental Code, the Proclamation of His Majesty, the Manifesto of the Provisional Junta, and the Regulations for convoking the Cortes; which I send to you.

This system, which removes all, or the greater part, of the grievances of the Colonial Dissidents, gives the inhabitants of America a participation in the height of glory to which, in all probability, the Nation will be raised. Whereas, on the other hand, if Spain, in consequence of this disunion, loses so great a portion of her power, America unoccupied, and especially this Kingdom, cannot fail soon to discover how impossible it will be for her to support herself alone, owing to the want of a Population proportioned to the extent of her Territory, and to the little progress she has made in general information, in agriculture, industry, commerce, foreign relations, and all the other elements necessary for the formation of a Nation; without being able, in consequence of these disadvantages, and the colour and race of her inhabitants, to avail herself of the example afforded by other Nations, which have respectively separated themselves from the States to which they belonged.

If in the above Documents, or in these my suggestions, or by any better calculation of your own, your Excellency shall find any thing likely to promote reconciliation and union, and shall, in consequence, receive

and swear to the Constitution, and send to the Cortes the number of Deputies corresponding to the District now occupied by the Forces under your Excellency's command, this superior Government is authorized to consider every thing as settled, and will publish a complete oblivion of the past, which, under the present system, cannot fail to be scrupulously observed. Your Excellency will have the glory of being one of the first authors of the termination of the present calamities of his Country, which is worthy of a better fate, and the Government will acknowledge and reward the merit of so beneficial a resolution.

But if any difficulties should occur to your Excellency, which can be obviated by a permanent or provisional Convention, the superior National Government, which has devolved upon me, is ready to open a Conference, by means of Deputies, for the purpose of overcoming them; or if your Excellency, or the Government to which you belong, should prefer a direct communication with the Court, and will send Commissioners, with Full Powers, to explain your wishes to His Majesty, I will give them the necessary Passports, on the understanding that I am authorized to assure your Excellency that His Majesty will listen to your propositions, and will grant every thing that is compatible with the dignity and welfare of the Monarchy.

But, in any case, should you even be unwilling, immediately, to receive and swear to the Constitution, and to send Deputies to the Cortes, there may be some points which might be previously arranged, and a truce or cessation of hostilities would be desirable for that purpose. This I, therefore, propose to your Excellency, and that it may be settled, by means of Deputies, on the basis of its being without prejudice to the respective position of the parties, and that nothing shall be attempted in the interim which can compromise future operations.

But if, in spite of every thing, the War must be continued, this superior Government will, agreeably to the Orders which it has received, carry it on conformably to the principles of humanity and the Laws of Nations, avoiding every excess, if your Excellency will on your part adopt a similar course.

Finally, the Supreme National Government, of whose pure and cordial good faith the most positive testimony will be always given, authorizes me to assure you, that it will practise the principles of rectitude, which are essential to the beneficial system which it has adopted; but if, unfortunately, there should not result therefrom the salutary effects which the Nation and the King sincerely anticipate, it will have given to Europe and the World an undoubted proof of the greatest moderation; and, no other alternative remaining but that of force to subdue the obstinate, it will be employed with justice and propriety, without subjecting the Government to that responsibility for future misfortunes, which it would have incurred had it not made this overture.

I send the communication to your Excellency contained in this Despatch, through the Commander of the Forces immediately in front of

this City, and expect your answer in the space of from 40 to 50 days.

God preserve, &c.

GABRIEL DE LA TORRE.

The Commander-in-Chief of the Insurgent Forces in this Kingdom.

(5.)—*General Montillo to General Morillo.*

MOST EXCELLENT SIR,

Baranquilla, 28th July, 1820.

AFTER the immensity of the irreparable evils, which the atrocious and desolating conduct of the Spanish Generals, who have conducted the War, has brought upon unfortunate America; after your Excellency has filled with mourning, and bathed in blood, every Kingdom and Province on which you have set your foot, sending their most illustrious Sons to perish on the scaffold, or by the disgraceful knife of the Executioner, and dissipating their most ample fortunes; after the enormous contributions exacted from a most miserable People, and the Laws have had only for their object the most ignominious slavery, or the project of reducing them to a state of annihilation; finally, after the most shameful imprisonments, the most degrading insults, and the most mortifying vexations, have been the rewards destined by your Excellency, for honour, talents, and virtues; the Proposals for peace and reconciliation, to which you invite me in your Despatch of the 17th June, come much too late. The American has already made known his wishes, with that firmness which the continued experience of his misfortunes naturally inspired, and has sworn, before the sacred manes of the victims so impiously sacrificed by your Excellency, to trust his future destinies to his own means only, and from henceforth to depend upon nothing but them. Reflect a moment upon the system of operations you have pursued in South America; recal to your recollection the assassinations, confiscations, and violences of every kind, committed in direct violation of the most ample Amnesties, with which your footsteps have been marked in Santa Fé, Venezuela, and other parts of your progress; turn your eyes towards those horrid places, originally destined for the confinement of malefactors, which are now the receptacles of the most illustrious men, respectable fathers of families, and useful members of the State, and your Excellency will be convinced, that the mere sudden change of language is not sufficient to repair our grievances, and the losses we have experienced; nor to change our ideas and sentiments. A pacific language would appear more sincere and less suspicious, in any other mouth than that of your Excellency, who, speaking to your Sovereign in your Official Despatches, of the political state of South America, and describing the character of its Inhabitants, especially those of Venezuela, clearly pointed out the impossibility of your subjugating them without destroying two-thirds of that Population which, no doubt, formed the chief object of your apprehensions. Your Excellency has executed this with an exactness, which leaves your Employers no room for complaint, and is in conformity with the general ideas of your Nation. If a person of

your Excellency's foresight, information, and political knowledge, had consulted the history of Revolutions and their vicissitudes, he would have found, that a true Statesman is neither an assassin, a robber, nor an incendiary. Your Excellency must not, therefore, be surprised, if, agreeably to the powers with which I am entrusted, and the general wish of the People, who acknowledge the Government of the Republic, and, independently of any resolution to which the Supreme Government may come, respecting the Proposals for peace and reconciliation, which your Excellency offers, I, on my own part, distinctly declare, that I will agree to no suspension of arms, nor enter into any sort of Negotiation, unless the preliminary step thereto be the recognition of the Independence of America; upon which indispensable basis, any subsequent Treaty must be founded. The inviolable observance of the rights of Nations, and the sacred principles of humanity, in the farther prosecution of the War, will be Laws to which I shall most religiously subject myself, if they are equally attended to on the part of my Adversary. Should a contrary system be adopted, I shall do violence to my own feelings, by inflicting a just retaliation. If, instead of our arms having been crowned on every side with victory and triumph, we had suffered reverses, and fortune had declared against us, you would always have heard from me the same language; although I am not the slave of partial circumstances, or of accidents, but am open to the full conviction, that the nature of the conflict between the contending Nations, one of which is employed in subjugating and tyrannizing, and the other in defending itself against those evils, will perpetuate a War which must ultimately terminate in the annihilation of one or both of them. Europe and the World will duly appreciate our reasons, our measures, and the determination which will regulate our future conduct, whether for Peace or War, and their impartiality will decide on the justice, which should recommend the present events to the existing generation and to posterity.

God and Liberty !

His Excellency Don Pablo Morillo. MARIANO MONTILLO

(6.)—*The Spanish to the Colombian Commissioners.*

(Translation.)

St. Christobel, 20th August, 1820.

THE Undersigned, Commissioners of his Excellency Don Pablo Morillo, Commander-in-Chief of the Army of Pacification, satisfied of the advantages that must result to the People of these Provinces from a participation in the present System of Spain, which will doubtless raise the Nation to the highest point of prosperity and glory, offer to your Excellency, in conformity with His Majesty's pleasure, and with the Instructions of his Excellency General Morillo, the following Propositions :

1st. That the Political Constitution of the Spanish Monarchy shall be adopted and sworn to in these Provinces; and that Deputies shall be forthwith nominated and sent to the Cortes, in conformity with the provisions thereof.

2. That if the Constitution be thus adopted and sworn to by the disaffected Provinces, His Majesty will confirm to the present Chiefs the Command of the Provinces which they now hold ; subject however to the General in Chief of the Army of Pacification, or to the direct orders of the Government of the Mother Country.

FRANCISCO DE LINARES. JOSE MARIE HERRERA.
The Commissioners of General Bolívar.

(7)—*The Colombian to the Spanish Commissioners.*

(Translation.)

St. Christobel, 20th August, 1820.

THE Commissioners of the President of Colombia, appointed to receive and treat with those of his Excellency General Morillo, or any others acting on the behalf of the Spanish Government, have had the honour to receive the Official Note of this date, which their Excellencies have thought proper to address to them ; proposing, in the first instance, that the Spanish Constitution shall be adopted and sworn to in Colombia, and that, in conformity therewith, Deputies should be sent to the Cortes ;—and, secondly, that, in case of the Constitution being thus adopted and sworn to, the present Chiefs of Colombia should retain the Command of the free Provinces, subordinate to the Commander-in-Chief, or in direct subordination to the Mother Country.

The sacrifices consecrated by Colombia to her liberty and independence during 10 years of combats ; the glory which has covered her arms ; the determination of her Sons, pronounced long since in the most explicit and solemn terms, and but just repeated by the President in his Communications with Generals Morillo and La Torre, gave us a right to hope, that your Excellencies would have spared us the pain of hearing Propositions for our subjection to, or dependence on, Spain, under any title or form whatsoever. It appears that your Excellencies had forgotten the object of our Contest when you dictated the Note to which we reply. The defenders of justice and of liberty, far from being flattered by the offer of an unlimited command, consider themselves insulted in being thus confounded with those base souls who prefer oppression and power to the sublime glory of being the deliverers of their Country.

There is no Colombian, or impartial Person, who can perceive any advantage to be derived by Colombia from servitude to Spain. The Spanish Constitution presents her no such advantage. But, even granting that Code to be one calculated for her happiness, Colombia, having felt her own strength and power, will not owe to another the blessings she has procured for herself, and which she can augment in proportion to her wants or interests.

In renewing to your Excellencies the sentiments of the People, whose Government we represent, we make bold to inform you, that we are not authorized to consummate the miseries of Colombia, by re-subjecting her to Spain, but to promote and sustain her interests and rights,

by making her free, sovereign, and independent. If the Mission of your Excellencies has any relation to these objects, we will proceed with pleasure to hear you; under the firm and irrevocable assurance, that we will reply to no Proposition which is opposed to this principle, or which may tend to dishonour us by degrading Colombia from the rank to which her glorious efforts have raised her.

RAFAEL URDANETA. PEDRO BRICENO MENDEZ.
The Royal Commissioners.

(8.)—*The Spanish to the Colombian Commissioners.*

(Translation.)

St. Christobel, 20th August, 1820.

THE Undersigned, upon perusal of the Answer which your Excellencies have been pleased to send, to the Note of the same date, which they had the honour of addressing to you, have to observe, that neither the King, nor General Morillo, from whom they hold their Commissions, would authorize them to establish Negotiations opposed to the Fundamental Law, the National Code to which they have lately so solemnly sworn. A provisional Arrangement, which might put an end to the effusion of blood, and the evils and misfortunes consequent upon a destructive War, might however take place at this moment, and would fulfil the object of their Mission and the wishes of His Majesty. But, as your Excellencies affirm that you will reply to no Proposition, which is opposed to the principle you assume, we will not proceed to indicate the basis of such an arrangement. His Majesty ardently desires peace, and the prosperity of these Provinces; and if, at the present moment, when the Body of Representatives of the Nation is fortunately assembled, it should seem proper to the Government which you represent, to send their Commissioners to the Court of Madrid, with ample Powers to explain their wishes to His Majesty, a Safe-conduct shall be given to them, together with the assurance that His Majesty will receive them kindly, and listen to their Propositions.

FRANCISCO DE LINARES. JOSE MARIE HERRERA.
The Commissioners of General Bolivar.

(9.)—*The Colombian to the Spanish Commissioners.*

(Translation.)

St. Christobel, 21st August, 1820.

THE Commissioners of the Government of Colombia have had the honour to receive your second Note of yesterday's date, in which you are pleased to reply to the Answer of the same date, which they made to your first Communication. The Commissioners of Colombia are sensible that the Fundamental Laws of the Republic, as well as those of the Nation which you represent, offer an obstacle to the termination of the differences and the disastrous War in which both People are engaged. But they cannot reconcile the ardent desire for peace, and the prosperity of their State, which you announce on the part of your King, with the impediments which, on the other hand, you state to exist to an equitable arrangement. If that desire were sincere your powers

would have been more ample, and less offensive to the dignity of the free People with whom you came to treat, and to that of him who sent you. Your Mission being limited to an offer of ignominy in place of peace, it would be strange if Colombia did not refuse to hear you. If you have any Communication of more importance to announce,—that is to say, if the new Propositions, which you may have to make, have any reference or relation, direct or indirect, to the only and exclusive object which Colombia has in view, founded on her rights and power,—the Commissioners who now address you will hear them with pleasure, as the means of attaining that end which we reciprocally desire.

RAFAEL URDANETA. PEDRO BRICENO MENDEZ.
The Royal Commissioners.

(10.)—*General Bolivar to General Morillo.*—(Translation.)

MOST EXCELLENT SIR, *St. Christobel, 24th September, 1820.*

NOTWITHSTANDING that the acknowledgment of our Independence is refused by your Excellency as inadmissible; notwithstanding that the highly respectable Army of the Republic might promise to itself the occupation of the remainder of Venezuela, and the establishment of its authority as far as Quito; yet, as the Country might not be able to support the sacrifices to be made, I feel desirous that we may confer together upon the means of restoring a general peace, provided the place of Conference be in the Republican Territory. And as independence is inadmissible, I shall forthwith make Propositions for peace and reconciliation, from my Head Quarters, at St. Fernando de Apure, on the 23d of October. Military operations in the interval are not to be suspended, and such securities for this Negotiation as I may demand must be given.

God preserve, &c.

His Excellency Don Pablo Morillo.

BOLIVAR.

(11.)—*General Morillo to General Bolivar.*—(Translation.)

MOST EXCELLENT SIR, *San Carlos, 20th October, 1820.*

AT the moment when I received the Official Despatch of your Excellency, of the 24th of September last, delivered to me by the hands of Colonel Don Juan Tello, wherein your Excellency is pleased to manifest to me a wish that I should meet you at the end of the present month at San Fernando de Apure, in order to accelerate the objects contemplated by me when I proposed to your Excellency an Armistice, for the purpose of terminating the horrors of War and giving Peace to this Continent, conformably to the authority given to me by the Fundamental Law of the Spanish Monarchy; I had delegated Brigadier Don Ramon Correa, Supreme Political Chief of these Provinces, Don Juan Rodriguez del Toro, Constitutional Magistrate of Caracas, and Don Francisco Gonzales de Linares, to wait upon your Excellency with the necessary Instructions and Full Powers; and these Gentlemen are now proceeding thither from this Town, by way of Calabozza, where I suppose they will see your Excellency. My sole wish is, that the result

of their Commission may be as happy as the necessities of this much afflicted Country require, ardently desirous as I am of contributing to its welfare and prosperity. God preserve, &c.

His Excellency Simon Bolivar.

PABLO MORILLO.

(12.)—*General Bolivar to General Morillo.*—(Translation.)
 MOST EXCELLENT SIR, *Truxillo, 26th October, 1820.*

IT is impossible for me, in consequence of the indisposition of General Urdaneta, who ought to have been in command of this Army, to meet your Excellency, as I had the honour to propose, at San Fernando de Apure, about the end of this month.

As I have not received your Excellency's Answer to my Communication from San Christobel relative to the Armistice which had been suggested (owing, without doubt, to your Excellency's having calculated that my march would be for Apure), it has appeared to me proper now to take this step, in order to hasten the termination of this Negotiation.

I will give to your Excellency an idea of the bases which I propose for the Armistice, and, if they are acceptable, you may send your Deputies to treat for and conclude the same, at my Head Quarters.

1st. There shall be a general Armistice for 4 or 6 months in all the Departments of Colombia.

2d. This Corps of the Army shall retain the position it may occupy at the time of the notification of the Treaty.

3d. The Division of the Coast shall take possession of the Cities of Santa Martha, Rio Hacha, and Maracaibo, as it is actually on its march against, and will probably reduce, them.

4th. The Division of the Apure shall have for the limits of its position the whole of the course of the Portuguesa, from the entrance of the River Biscucui to the Apure, which will also be the line of demarkation between that Division and the Spanish Territory; consequently all the Province of Barinas and the Territory of Guanare (already evacuated by the Spaniards) will be occupied by our arms.

5th. The Division of the East shall retain the Territory which it may occupy at the time of the notification of the Treaty.

6th. The Division of Carthagena shall preserve all the positions which it may occupy at the time of the notification of the Treaty.

7th. The Division of the South shall retain the Territory which it may have left in its rear on its march to Quito, and the positions it may occupy at the time of the notification of the Treaty.

If one or more of these Articles should appear to your Excellency to be contrary to the interest of Spain, and be therefore deemed inadmissible, such Article or Articles may be omitted, leaving such points as they relate to, open to hostilities.

These propositions afford the most convincing proof of the moderation of our pretensions; since what we ask, we have every probability of obtaining by force, without, in the smallest degree, risking the fate

of either of our Divisions of operations. We demand nothing which we could not obtain at the expence of a few trifling sacrifices; and I conceive that justice requires that we should be indemnified, by the cessions proposed in Article III (which perhaps may cease to be cessions, when the Armistice may be ratified), for the immense expences of maintaining so numerous an Army, and at so favourable a moment for the successful issue of our cause.

Your Excellency may be assured, that it is only my ardent wish to remove all difficulties in the way of terminating the War in a friendly manner, that induces me to postpone the brilliant results of this campaign, by entering into Negotiations which promise at present nothing decisive.

God preserve, &c.

His Excellency Don Pablo Morillo.

BOLIVAR.

(13.)—*General Morillo to General Bolivar.*—(Translation.)

MOST EXCELLENT SIR,

Barquisimientto, 29th October, 1820.

IN consequence of the intimation which your Excellency was pleased to make to me in your Official Letter of the 24th September last from San Christobel, I was confident that your Excellency would have been met with at the end of that month at San Fernando de Apure, and, under that impression, the following Officers are now by my Orders in Calabozza, ready to proceed immediately to the said Town; Brigadier Don Ramon Correa, Political Chief of these Provinces, Don Juan Rodriguez del Toro, Constitutional Magistrate of Caracas, and Don Francisco Gonzales de Linares; with suitable Instructions to deliberate and treat with your Excellency, as President of the Congress at Guyana, respecting the bases whereon the Armistice ought to be established, for the termination of the War which afflicts this soil.

The annexed Despatch (of which the same Gentlemen were the bearers) is a duplicate of the Answer to your Excellency's first Communication from that quarter.

The propositions which your Excellency makes me in the course of your second Despatch, do not correspond with the interests of the Spanish Nation, nor do I consider myself authorized to accept them; but the Commissioners who will present themselves at my Outposts, and pass to those of your Excellency, will discuss the Articles contained in that Despatch, and will open Negotiations, in virtue of the Powers and Instructions with which they will be charged, and definitively agree upon the bases of the Armistice, should the same be established, in order to consolidate the peace and union which the Constitutional Government of the Monarchy so much desires.

In truth, and with the frankness of sincerity, from the moment I found myself authorized to pursue this course, so conformable to my sentiments and the good of humanity, it is impossible for me to find language adequate to express my desire to obtain peace; and your Excellency ought to know, that in order to accomplish so great an object, and to

come to a mutual good understanding, it is necessary to suspend hostilities, without suffering any addition to those weighty losses to the cause of the Nation, which have been sustained, since I first despatched my Commissioners to your Excellency; losses, too, of vast importance, and which weigh heavily upon my responsibility.

Until the Commissioners, who are on their way from Calaboza, arrive, we shall continue our operations. God preserve, &c.

His Excellency Simon Bolivar.

PABLO MORILLO.

(14.)—*General Bolivar to General Morillo.*—(Translation.)

MOST EXCELLENT SIR, *Head-Quarters, Carache, 4th Nov. 1820.*

I HAVE had the honour to receive your Excellency's Official Notes, dated 20th and 29th of last month, which were delivered to me by Captain Real.

Considering that the Gentlemen Deputies, whom your Excellency has sent to my Head Quarters, are worthy of employing their good offices in favour of suffering humanity; I avail myself of the opportunity to entreat that your Excellency will be pleased to give them Full Powers to conclude with the Government of the Republic a Treaty, truly sacred, which may regulate the war of horror and crimes which up to the present period has inundated Colombia with tears and with blood; and that it may be a monument of civilization, liberality, and philanthropy, among the most civilized Nations. God preserve, &c.

His Excellency Don Pablo Morillo.

BOLIVAR.

COMMUNICATION du Gouvernement d'Autriche au Gouvernement de Bade, sur l'état politique actuel de l'Allemagne.—Vienne, le 4 Mai, 1820.

Le Prince de Metternich à M. le Baron de Berstett.

MONSIEUR LE BARON,

Vienne, le 4 Mai, 1820.

VOTRE Excellence m'a témoigné le désir de Son Altesse Royale le Grand Duc de Bade, d'être instruit, en termes généraux mais autant positifs néanmoins qu'il sera possible, du jugement que la Cour Impériale porte de l'état politique actuel de l'Allemagne.

Le vœu d'un Prince auquel on doit savoir autant de gré et de reconnaissance, de la constante et inébranlable détermination qu'il manifeste chaque jour pour le soutien de la bonne cause, ainsi que de la pénétration qui lui fait discerner les obstacles qui s'élèvent de tant de côtés pour en retarder le triomphe, est à mes yeux un témoignage trop-honorable de confiance pour qu'il ne m'impose le devoir de tracer en quelques traits la manière dont nous jugeons la position actuelle des choses, et de la faire connaître à votre Excellence avec une entière franchise, et sans la moindre réserve.

Le tems présent signale sa course rapide par des tourmentes. Ce

seroit en vain que l'on voudroit s'opposer de front à l'impétueuse direction qu'il a prise.

Ce qu'il est permis d'obtenir par la fermeté, la modération, et la sagesse, ce que l'on peut obtenir par des efforts réunis et surtout par cette force que donne une réunion sagement calculée ; la seule tâche qui soit encore au pouvoir des amis de l'ordre, et des gardiens de la tranquillité publique ; c'est de diminuer lorsqu'on ne peut entièrement les détourner, les effets de ce torrent destructeur. C'est là le devoir que sont appelés à remplir, les Souverains et les hommes d'Etat animés d'un bon esprit ; et certes dans les jours de danger on doit considérer comme animés d'un bon esprit, ceux-là seulement qui, après avoir reconnu en évidence ce qui est à la fois possible et juste, ne se laissent pas plus aller à des espérances décevantes et à des vœux impuissans qu'au découragement, et que rien ne détourne du but auquel ils ont voués tous leurs efforts de chacun de leurs instans. Le but est clairement tracé ; ce n'est ni plus ni moins que la *conservation de ce qui existe*. C'est là l'ancre de salut des institutions qui sont encore debout, et peut-être même un moyen de restauration et de raffermissement de celles qui sont déjà ébranlées ; c'est ce qui doit former le point de coincidence auquel doivent tendre invariablement, et le dévouement des individus et l'impulsion des mesures de salut, comme de la part de tous ceux qu'un même esprit, qu'un même intérêt appelle à s'unir indissolublement.

Dans le court intervalle de 1817 à 1820 ces matériaux de combustion morale que l'imprévoyance avoit laissé amassés, nous les avons vus s'embrasser et éclater en flammes.

La marche en général mal assurée du Ministère François durant cette époque,—l'impassibilité et la tolérance portées en Allemagne au dernier point à l'égard des doctrines pernicieuses et des réformateurs les plus fougueux,—une sorte d'abandon et de relâchement presque universel dans les mesures de répression que l'on devoit opposer à la licence de la presse,—enfin les Constitutions représentatives que, pour ainsi dire, d'un seul jet et sans nulle préparation, l'on a vu soudainement lancer au milieu des Peuples de l'Allemagne Méridionale ;

Toutes ces causes réunies ont à l'envi concouru à relever les espérances d'un parti que rien ne satisfait, et à lui faire prendre un essor qui échappe à tout calcul. Et la preuve que nulle concession ne le satisfait ce parti, n'est elle pas évidente aux yeux de tous, lorsque les Pays dans lesquels on a eu le plus de déférence pour les vœux que ce parti énonçoit *prétendument* au nom de l'opinion publique, sont précisément ceux que nous voyons encore à présent le plus en proie à ses menaces et à ses agitations ?

Au moment où les Cabinets ouvrirent des Conférences à Carlsbad, le mal étoit arrivé à un tel point, qu'il eut suffi d'une complication politique de quelque importance en Europe, pour devenir le signal de l'entier bouleversement de l'ordre social. Si nous avons été préservés

d'un danger aussi imminent, et qui dans ce moment encore fut devenu un arrêt de mort, rendons en grâce au système plein de sagesse et de modération des Grandes Cours.

Examinons maintenant quelle doit être dans une telle position de choses, la marche à laquelle doivent se rallier tout ce qu'il y a de Gouvernemens éclairés.

En nous livrant à cette discussion, nous partons en général de la supposition qu'il y a encore toute possibilité de sauver l'ordre social; et cette supposition nous nous croyons complètement autorisés à l'admettre.

L'examen des moyens propres à atteindre un aussi grand but, me ramène nécessairement au point dont je suis parti.

Lorsqu'il s'agit de réparer un édifice qui a souffert de l'injure des tems, lorsqu'on veut le restaurer avec solidité, et, pour ainsi dire, de fond en comble, et que l'on ne peut y procéder qu'insensiblement et en quelque sorte d'une manière inaperçue, il faut avant tout rasseoir ses fondemens sur une bonne base; et lorsqu'il s'agit de travailler à fonder un meilleur avenir, il faut au moins s'assurer du moment présent. C'est donc la conservation de ce qui existe, qui doit former le premier et le plus important objet de notre attention.

Toutefois en parlant du maintien de ce qui existe, nous ne prenons pas ici ce mot dans une acception rigoureuse; nous ne prétendons pas seulement l'ancien ordre des choses, que si peu d'Etats peuvent se féliciter d'avoir conservé entièrement intact, et nous y comprenons aussi les institutions nouvellement établies du moment qu'elles ont été constitutionnellement sanctionnées. Pour sentir combien il importe de les maintenir avec fermeté et énergie une fois qu'elles existent, il suffit de considérer que les gens saisis du vestige des innovations, nonobstant des éloges hypocrites qu'ils avoient prodigués aux nouvelles institutions, n'en sont pas moins prêts à saisir la première occasion de les attaquer et de les poursuivre avec autant de rage, qu'ils en mettoient à sapper les fondemens des anciennes constitutions que la sanction du tems avoit recommandé à notre respect. Au tems où nous vivons il y a peu près un égal danger, et dans le passage de l'ancien ordre de choses au nouveau, et à vouloir ramener des institutions nouvellement établies à un ordre de choses qui a cessé d'être de notre domaine. L'un et l'autre de ces essais peut devenir une cause matérielle de troubles, et c'est ce que l'on doit éviter à tout prix. Une fois qu'un état de choses existe et qu'il est au nombre des habitudes d'une Nation, soit qu'il dérive des anciens tems, soit qu'il soit d'une adoption plus récente, tout Gouvernement doit regarder comme son premier devoir, de ne s'en laisser écarter ni en avançant ni en reculant: ce ne seroit que dans le cas où la nécessité d'y apporter des changemens seroit bien démontrée et universellement sentie qu'un Gouvernement sage pourroit s'y déterminer; ce ne seroit alors qu'avec une entière liberté et après y avoir réfléchi avec calme et indépendance que l'on pourroit en venir à une conclusion définitive.

Rien n'est assurément plus conforme, ni à la raison et à la justice, qu'une telle marche, et lors même qu'on se la tiendrait toujours présente, pour y rester constamment fidèle, faut-il néanmoins, s'attendre à avoir de fortes oppositions à surmonter. Toutefois l'avantage de s'établir sur une base, comme bien tracée, est de la plus grande évidence ; cet avantage doit être d'autant plus apprécié, que celui qui de cette manière a pris position sur un point assuré, a gagné la facilité d'embarrasser tous les mouvemens de son Ennemi devenus nécessairement incertains et divergens, et qu'il se trouve en mesure de déjouer en tous sens ses efforts.

On objecte, il est vrai, que dans le nombre des Constitutions que nous avons vu introduire en Allemagne, il en est qui ne présentent aucune base proprement dite, et dans lesquelles, par conséquent, l'on chercheroit en vain un véritable point d'appui, mais nous ne pouvons reconnaître cette objection. Si tel étoit en effet le cas, ne verroit-on pas des démagogues auquel tout sentiment de tranquillité et de stabilité est à charge, ne se donner ni relâche ni repos jusqu'à ce qu'ils eussent renversé de pareilles Constitutions ?

Toute organization légitime, du moment qu'elle est établie, et à moins qu'elle ne fut, ainsi que c'est peut être le cas à l'égard de la Constitution des Cortès de l'an 1812, tout uniment l'œuvre de l'arbitraire et le produit d'un aveuglement insensé, renferme en elle même les élémens de son amélioration.

Une Charte au surplus n'est pas encore, il s'en faut de beaucoup *une Constitution*. Celle-ci est l'ouvrage du tems, et quelles que soient les circonstances, il est au pouvoir de tout Gouvernement qui sait discerner avec intelligence et vouloir avec fermeté, de donner au développement du Régime Constitutionnel une telle direction, que le bien puisse toujours prévaloir de plus en plus sur le mal, que l'autorité publique s'affermisse dans la même proportion, et que le repos et la tranquillité de la masse du peuple puissent trouver constamment un appui contre les efforts de ceux qui chercheroient à la troubler.

Dans les conjonctures actuelles, deux grands moyens de salut sont assurés à tout Gouvernement, qui, dans le juste sentiment de sa dignité et de ses devoirs, est fermement résolu de ne pas courir lui-même à sa perte.

L'un se présente dans cette certitude si propre à inspirer une vraie sécurité, que non seulement il n'existe pas entre les Puissances de l'Europe le moindre sujet de mésintelligence, mais que d'après les sentimens invariables qui animent leurs augustes Chefs, on ne peut même dans aucune chance en admettre la possibilité la plus éloignée : et quelle autre conviction, lorsqu'elle est ainsi placée au dessus de tout doute, pourroit donner à l'attitude solidaire des Gouvernemens et plus de force et plus de garantie ? Un second moyen de salut nous est offert dans cette grande et forte union des Souverains de l'Allemagne, qui, dans le cours des 9 derniers mois, a été conçue avec une fermeté si soutenue, qui vient d'être portée à sa conclusion avec non moins de loyauté, et qui, à l'aide de Dieu, nous verrons triompher de l'opposition du tems.

Les Conférences de Carlsbad, et les résolutions qui y ont été préparées, ont eu une influence, et plus puissante et plus salubre, que ce que nous nous promettions nous mêmes d'en espérer; placés comme nous l'étions au milieu de la lutte qui nous pressait de toutes parts, et n'ayant pu juger d'abord que sur un premier aperçu des avantages que nous avions réellement obtenus. De fortes mesures de ce genre ne peuvent être appréciées à leur juste valeur que dans leurs suites, et il est rare que dans les premiers tems on puisse embrasser celles-ci dans toute leur étendue.

Mais déjà à présent nous avons pour juger des effets des Arrêtés du 20 Septembre, une pierre de touche dont on ne contestera sans doute pas la justesse.

Il ne seroit certes pas difficile de calculer jusqu'à ce jour leur succès.

Les résultats de la réunion des Cabinets Allemands à Vienne, bien qu'ils appartiennent à un ordre de transactions plus élevé, sont, de leur nature, moins propre à attirer tout de suite l'attention et à causer une vive sensation, qu'à devoir faire époque par les conséquences étendues et les effets durables qu'ils doivent produire. Il est hors de doute que l'Acte Fédéral, par la consolidation que lui assure cette autre Loi Fondamentale, ouvre désormais à chaque Membre de la Confédération Germanique, une garantie autant efficace que secourable, et cependant, il n'est qu'en suivant la marche qui a été adoptée ici, que l'on pouvoit avoir quelque certitude d'atteindre à un bienfait d'un aussi grand prix dans la conjoncture actuelle.

L'esprit de modération et d'abnégation de tout intérêt particulier, qui a présidé à la discussion et à la conclusion de cette importante transaction, nous a peut-être fait éprouver dans l'un ou l'autre point des obstacles, et nous a retenus mainte fois de prendre un essor plus hardi et plus décisif.

Mais même en admettant que la chose eût été praticable dans des voies plus prononcées, alors cependant notre ouvrage auroit été privé d'un de ses avantages les plus essentiels; il ne reposeroit pas sur cet assentiment libre et spontané de toutes les Parties intéressées, sur cette acclamation unanime qui ne s'accorde que par une confiance puisée dans une entière conviction. Rien n'eût pu remplacer le manque d'un libre assentiment, et lorsqu'on en seroit venu à l'exécution de résolutions prises sous des pareils auspices, on n'eut plus tardé à l'apercevoir qu'elles manquaient de la condition la plus indispensable.

En général il importait autant et peut-être même plus encore d'affermir *moralement* la Confédération, et d'en rehausser le prix dans l'opinion publique, qu'il n'étoit pressant d'en renforcer les dispositions par un complément de mesures *législatives*. Le besoin en étoit déjà reconnu. Les négociations ont fortifié cette conviction; elles l'ont

rendue commune à tous, elles ont fait vivement sentir et au même degré par chacun des Gouvernemens intéressés, combien il étoit utile et nécessaire de consolider la Charte Fédérale, et d'en sceller l'Acte Additionnel, dans cet accord unanime de volontés, qui est incontestablement dû à la réunion des Conférences de Vienne ; et qui, dans notre manière de voir, est l'un des effets les plus essentiels et les plus heureux dont on leur est redevable.

Les maximes de conduite que chaque Gouvernement de l'Allemagne devra désormais se tenir présentes, peuvent se ramener à quelques principes aussi sommaires que précis :

1. Se confier entièrement et sans réserve à la stabilité de l'état de paix de l'Europe, et à l'unanimité des principes qui animent les principales Puissances.

2. Apporter l'attention la plus vigilante et la plus sévère à leur système intérieur d'administration.

3. Maintenir avec persévérance les bases légales des Constitutions existantes, et être bien résolu à s'opposer à toute atteinte et à les défendre avec force et sagesse.

4. Et néanmoins admettre des améliorations à l'égard des abus bien reconnus, qui demandent un redressement, mais ne s'y prêter qu'après même réflexion, et pour autant que les changemens seroient justifiés par des considérations irrécusables, et en réserver, exclusivement, l'initiative au Gouvernement.

5. Ce, nonobstant, si les moyens propre à chaque Etat Fédéral étoient insuffisans, il y a d'autant plus lieu pour un tel Gouvernement d'en appeler aux secours de la Fédération, auxquels sa participation à l'union fédérale lui donne les plus justes droits, que les engagements qui viennent d'être définis dans l'Acte Additionnel donnent la garantie la plus précise des prestations de secours sur lesquelles il a toute raison à compter.

Telle doit être, après notre manière de voir, la marche à suivre. C'est la seule vraiment tutélaire et conservatrice, la seule vraiment raisonnable et légale ; c'est sur ces principes que repose tout le système politique de Sa Majesté l'Empereur. Et si l'Autriche, dans le calme dont elle jouit dans son intérieur, a encore l'avantage de pouvoir disposer et de forces morales et de moyens matériels de quelque considération, elle sera prête non seulement à les employer les uns et les autres, pour assurer sa propre conservation, mais aussi du moment que le devoir et la prudence lui en feront un devoir à les mettre à la disposition de ses Confédérés.

Je me flatte que les éclaircissemens que renferme la présente Communication donneront à Votre Excellence le moyen de convaincre, de nouveau, Monseigneur le Grand Duc, de nos véritables intentions, ainsi que du vif et sincère intérêt que la Cour Impériale ne cessera de prendre

a la satisfaction personnelle de Son Altesse Royale, non moins qu'à la sûreté et à la prospérité de ses États.

J'ai l'honneur, &c.

LE PRINCE DE METTERNICH.

*S. E. le Baron de Berstett, Ministre des Affaires Etrangères
de S. A. R. Le Grand Duc de Bade.*

*SPANISH Notification of Blockade of the River Santi Petri,
and the other Outlets to the Sea of the City of San Fer-
nando, &c.—Madrid, 28th January, 1820. (Translation.)*

SIR,

Palace, Madrid, 28th January, 1820.

THE King, my august Master, has deemed it expedient to declare in a state of Blockade the mouth of the River Santi Petri, and the other Outlets to the Sea of the City of San Fernando and its District.

His Majesty has directed me to acquaint your Excellency with this measure, in order that the several British Authorities may be aware of the same; and I avail myself, &c.

EL DUQUE DE SAN FERNANDO Y QUIROGA.

His Excellency Sir Henry Wellesley.

*COLOMBIAN Decree of Blockade of the Ports and Coasts
of the Provinces of Santa Martha and Carthagena.—
Baranquilla, 6th July, 1820. (Translation.)*

REPUBLIC OF COLOMBIA.

LOUIS BRION, of the Order of Patriots, Admiral of the Republic, and General-in-Chief of the Armies, &c. &c. &c.

Considering that it is of the greatest importance to the success of the military operations that are now carrying on throughout these Provinces of Santa Martha and Carthagena, to prevent all Foreign communication with the Ports, Roads, Bays, and Coasts, occupied by the Arms of the King of Spain; and considering, at the same time, that the Forces of the Republic of Colombia, which actually serve by land and sea, on her Waters and Territories respectively, are able to accomplish such a measure with respect to the Vessels of neutral and friendly Nations;

Therefore, in execution of the powers expressly delegated to me by his Excellency the President of Colombia, and of the acknowledged and incontestable rights of War, which belong to us, as a Belligerent Power towards Spain, and at peace and good understanding with the

other European Powers, and with The United States of the North, and the Kingdom of Brazil, in this part of our Continent; I have come to the following determination; and decree:

1st. The Ports of Santa Martha and Carthagena, together with the Bays, Roads, and Coasts, of both Provinces, not yet occupied by the Arms of the Republic of Colombia, are declared in a state of rigorous Blockade.

2d. In order to accomplish this measure, the necessary Orders and Instructions shall be issued to the Commanders of the Ships of War of the Republic, for the purpose of effecting the due execution of the preceding Article, conformably to the usages and customs authorized by the Rights of Nations.

3d. The present Decree shall be communicated, with all the necessary formalities, to the Officers of Neutral Powers, and to all the Colonial Authorities, for producing the proper effect.

Signed, sealed and delivered, in the General Head-Quarters at the City of Baranquilla, on the 6th of July, 1820—10th of Independence.

By Order of his Excellency,

L. BRION.

M. SANTA MARIA, *Secretary*.

CORRESPONDENCE between the Spanish Commissioners, appointed to negotiate for Peace, and the Junta of Representatives of Buenos Ayres.—December, 1820.

(1.)—*The Spanish Commissioners to the Junta of Buenos Ayres.*

National Brig, Achilles, off Buenos Ayres,

(Translation.)

4th December, 1820.

THE SENOR DON Ferdinand VII, Constitutional King of the Spanish Dominions, anxious to testify, in the most solemn and public manner, the sincerity with which he is desirous to accelerate the termination of the differences existing between individuals of the same family, and to endeavour to place on a solid basis the general concord; has deemed fit to commit to our zeal the honourable charge of co-operating in such laudable and patriotic intentions, authorizing us competently to represent his August Person therein. In consequence of which, and in order that a question of such grave importance, (and of notorious reciprocal interest,) may be able to have its full effect, with all the independence and security indispensable, and with the customary guarantees and other rules adopted by all enlightened People, we confidently hope that, in conformity with, and in the observance of, similar practices, your honourable Junta will be pleased to give the necessary orders for a most ample Safe-conduct, vested with suitable solemnities and guarantees to be

issued, in order that our persons, papers, and equipages, may be declared inviolable, and may enjoy the other immunities and privileges which the Laws of Nations prescribe in such cases. Permit us to be able to consider ourselves absolutely assured thereof, under the sacredness of public faith, as Ambassadors of the Constitutional King of the Spanish Dominions, and to disembark, with our servants and equipages, from on board the Brig of War, *Achilles*, under the Command of Don Pedro Hurtado de Cormera, and proceed to lodge ourselves and reside with full liberty and security, in the City of the Holy Trinity of Buenos Ayres, during the space of time which may be necessary to treat and bring to a conclusion this important Negotiation ;—allow, at the same time, to be precisely specified in the said Safe-conduct, (in the unlooked-for event of any interruption taking place to the Negotiations to be entered upon,) a convenient place from whence the Royal Commissioners may effect their secure re-embarkation, and return on board, under the pledge of public faith, and with a Flag of Truce, in the same manner in which the permission may be given for their residence on shore.

Your honourable Junta will also be pleased, with equal solemnity, to declare to be comprised in the said Safe-conduct, and in every other particular, the said National Brig, *Achilles*, in order that that Vessel, her Commander, Officers, and Crew, may be in every manner respected, and enjoy security, as well during her stay in the River Plate, as on her return to Europe, or elsewhere that the Royal Commissioners may deem it convenient to dispatch her.

Persuaded that your honourable Junta, having equally the most lively desire for the public good, will immediately perceive the regularity of this preliminary, which we have judged indispensable in the present case, and in the hope of a corresponding determination ; we remain with the highest consideration, &c.

MANUEL HERRERA, *Colonel of the Army.*

TOMAS DE COMYN, *Secretary of the King.*

FELICIANO DEL RIO, *Colonel of Artillery.*

MAN. MAR. MATEO, *Captain of Frigate.*

The Honourable Junta of Representatives of Buenos Ayres.

(2.)—*The Junta of Representatives of Buenos Ayres to the Spanish Commissioners.*

Hall of Assembly of the Honourable Junta,

Buenos Ayres, 6th December, 1820.

NOTHING would be more gratifying to this honourable Junta, in order to terminate the existing differences between this part of America and the Government of Spain, than to grant to your Excellencies the ample Safe-conduct, which, in your Communication of the 4th of this month, you solicit, in favour of your persons, servants, and equipages, as well as of the Brig of War, *Achilles*, her Captain, Officers, and Crew, drawn up with the necessary guarantees and solemnities, and

for the inviolability of your Papers ; in order that you may reside in this City, with full liberty and security during the space of time which may be necessary to treat and bring to a conclusion the important business of your mission.

It is doubtful whether the best principles of the Law of Nations and the rules adopted by all enlightened Powers, notwithstanding the nature of the mission of your Excellencies, would justify such a step, at a moment when an open War exists, which His Catholic Majesty has declared against this part of the Continent, and when he is overrunning and devastating, with his Armies, the best and greater part of the upper Provinces of this Territory.

But the Junta, nevertheless, believes it to be its duty to remove from its view these inconveniences, with the object of cementing concord, and of accelerating the termination of differences, provided that the authority with which your Excellencies are vested, on the part of the Constitutional Monarch, is sufficiently extensive, to enable you to recognize, previously to any Negotiation, as a preliminary and indispensable basis, the Independence which this and other Provinces have, in a general Congress, established, in the Act, an attested Copy of which accompanies this, and from which sacred engagement before the Almighty, and before the other Nations of the World, they cannot retract one point, without renouncing their highest and most incontrovertible rights.

The Junta hopes, therefore, that your Excellencies will be pleased to state, for the guidance of this Government, as is natural and legitimate on such occasions, whether your Powers are sufficiently extensive for the above purpose, accompanying them in such case with the Credentials, in order that, on sight of them, it may be able to resolve upon the Safe-conduct, and a fit residence on shore, with the guarantees you require.

While I have the honour to explain to your Excellencies, in reply, the sentiments of the Junta, I beg at the same time to offer you the assurance of the distinguished consideration with which I salute you as its President.

IGNACIO CORREAS, *President.*

E. AUGUSTIN GAZEON, *Secretary.*

LETTER from the Secretary of the Navy to Congress, transmitting information in relation to the illicit introduction of Slaves into The United States.—6th January, 1820.

SIR,

Navy Department, 6th January, 1820.

IN obedience to a Resolution of the House of Representatives of the 31st December last, requiring the Secretary of the Navy to furnish Copies of such Communications as he may have received since 1816,

and such information as he may possess, in relation to the introduction of Slaves into The United States, with a Statement of the measures adopted to prevent the same; I have the honor to transmit sundry Extracts of Letters, numbered 1 to 4, inclusively, comprising all the information communicated to this Department since 1816, in relation to the introduction of Slaves into The United States.

I have the honor to refer the House of Representatives to my Report of the 9th of January, 1819, on this subject; and I transmit, herewith, the Paper marked A., which contains that part of the Instructions from this Department to the Commanding Naval Officers, in relation to Slave-vessels.

The public Vessels now cruizing, have not yet reported their operations, nor is it known that any seizures have been made by them.

I have, &c.

*The Honorable the Speaker
of the House of Representatives.*

SMITH THOMPSON.

No. 1.—Captain Henley to the Secretary of the Navy.

United States' Ship, John Adams,

(Extract.)

Cumberland Sound, 17th March, 1817.

It would be gratifying to me to know how far the Commissions granted by Aury or M'Gregor, to Vessels evidently commanded and manned by Citizens of The United States are to be respected. I have not the smallest doubt, from the situation those Pirates have fixed upon for their rendezvous, that the goods found in their prizes will be disposed of principally in The United States, and that the part which may consist of Slaves will be smuggled into Georgia, as many of the Inhabitants are too much inclined to afford every facility to this species of illicit trade.

The Hon. Smith Thompson.

JOHN D. HENLEY.

No. 2.—Captain Morris to the Secretary of the Navy.

United States' Frigate, Congress,

(Extract.)

Off the Balize, 10th June, 1817.

MOST of the goods carried to Galveston are introduced into The United States; the more bulky and least valuable, regularly through the Custom-house; the more valuable, and the Slaves, are smuggled in through the numerous inlets to the westward, where the People are but too much disposed to render them every possible assistance. Several hundred Slaves are now at Galveston, and Persons have gone from New Orleans to purchase them. Every exertion will be made to intercept them, but I have little hopes of success.

The Hon. Smith Thompson.

CHARLES MORRIS.

No. 3.—*Lieutenant Commandant Porter to the Secretary of the Navy.*
United States' Brig, Boxer,

(Extract.)

Off the Balize, 28th June, 1817.

I SHALL leave this on Monday to cruize off the Sabine River; it is reported that attempts will be made to smøggle Slaves into Louisiana, from Galveston, and the natural presumption is, that they will attempt the Sabine or the Atchafalya Rivers: the depth of the water off those rivers is very inaccurately represented on the Charts, and it will not be in my power to approach nearer the shore than within 10 miles of the Sabine, and not nearer than 30 off the Atchafalya. Whatever can be done to prevent their being brought clandestinely into the Country, will have to be performed by the Boats; which, Sir, shall be actively employed the moment we arrive on the ground.

The Hon. Smith Thompson.

JOHN PORTER.

No. 4.—*Captain Henley to the Secretary of the Navy.*

United States' Ship, John Adams,

(Extract.)

Amelia Sound, 24th January, 1818.

I YESTERDAY detained the English Brig, *Neptune*, of London, for a violation of the Slave Act: by her Papers it appears that she cleared from Jamaica for this Port, with a small quantity of rum, and 8 convict Slaves, sentenced to transportation for various offences. It is evident that their object was to smuggle them into the State of Georgia, thus making a Botany Bay of The United States. I shall send her to Savannah for trial.

The Hon. Smith Thompson.

JOHN D. HENLEY.

(A.)—*Instructions of the Navy Department to the Commanders of all United States' Vessels cruising in the Atlantic Ocean, Gulf of Mexico, &c.*

(Extract.)

You have also enclosed, such parts of several Acts of Congress, prohibiting the importation of Slaves into any Ports or Places within the jurisdiction of The United States, as are necessary to point out to you your duty and authority under these Laws; and it is expected and required of you by the President, that a strict and vigilant attention be paid to the direction therein contained, that, if possible, this inhuman and disgraceful traffic may be suppressed.

By the Act of the 20th of April, 1818,* you will perceive, that it is made unlawful to import or bring, in any manner whatsoever, into The United States or Territories thereof, from any Foreign Kingdom, Place, or Country, any Negro, Mulatto, or Person of Color, with intent to hold, sell, or dispose of such Person, as a Slave, or to be held to service.

By this Act it is also made unlawful for any Citizen of The United States, or other Person, to build, equip, load, fit, or otherwise prepare,

* See Commercial Treaties, Vol. III. Page 475.

any Ship or Vessel, in any Port or Place within the jurisdiction of The United States, or to cause any such Ship or Vessel to sail from any Port or Place whatsoever, within the jurisdiction of The United States, for the purpose of procuring and transporting any such Slaves to any Port or Place whatever. And any Ship or Vessel employed in such importation of Slaves, or so built, fitted out, or prepared, is liable to be seized and forfeited. And by the Act of the 3d of March, 1819,* the President is authorized to employ any of the armed Vessels of The United States, to cruize in such places as he may think proper, where he may judge attempts may be made to carry on the Slave-trade by Citizens, or Residents of The United States, in contravention of the Acts of Congress prohibiting the same; and to instruct such armed Vessels to seize, take, and bring into any Port of The United States, to be proceeded against according to Law, all Ships or Vessels of The United States, wheresoever found, which may have taken on board, or which may be intended for the purpose of taking on board, or of transporting, or may have transported, any Negro, Mulatto, or Person of Color, in violation of any of the Provisions of the Act of the 20th April, 1818, above referred to, or in violation of any other Act or Acts prohibiting the traffic in Slaves.

You will perceive from the generality of the Provisions in these Laws, you are authorized to take and bring in all Ships or Vessels of The United States, which may have been in any manner employed, or intended to be employed, in the Slave-trade; or any other Vessel offending against the Provisions of any of the Laws you have enclosed. You will particularly notice the 2 Provisos to the 1st Section of the Act of 1819; the first of which directs in what manner you are to keep and dispose of the Slaves which may be found on board of any Ship or Vessel seized by you. If brought within The United States, they are to be delivered to the Marshal of the District where brought in, and transmit the evidence of such delivery to this Department. Upon the capture, therefore, of any Vessel having Slaves on board, you will immediately proceed to the Island of Sherbro, on the Coast of Africa, and deliver such Slaves to the Agent appointed by the President to receive them, pursuant to the Provisions of the Act, or to any other Agent so appointed, at any other place on the Coast of Africa. The second Proviso relates to the disposition of the Officers and Crews of such Vessels so captured by you. Great vigilance will be expected from you, in the safe keeping of all such Officers and Crews, until they shall be handed over to the Civil Authority to be proceeded against according to Law.

P. S.—No provision having as yet been made for the reception of Slaves upon the Coast of Africa, you will for the present, and until ordered otherwise, consider the foregoing Orders relative to the dis-

* See Commercial Treaties, Vol. III. Page 479.

position of such Slaves as you may capture, so far modified, that you will deliver them on Smith's Island, at the mouth of the Chesapeake Bay, to such Agent as may be appointed by the President to receive them there.

MANIFESTO of the General in Chief of the Liberating Army of Chili, on the failure of the Negotiations for Peace with the Spanish Vice-Roy of Peru.—Pisco, 12th October, 1820.
(Translation.)

WHEN War is undertaken by ambition, and continued by caprice, force is the only argument to convince the People, and silence the opinions of the World; then it is that policy assumes a mysterious character, and, to conceal the perversity of its plans, explains them by enigmas, in order to execute them afterwards by artifice. But when necessity places arms in the hands of those who aspire only to the public good, frankness is the grand secret of all their measures, and force is only employed, as a last resource, to compel those whom reason has not been able to persuade.

Previous to my arrival, and since I fixed my Head-Quarters at this Place, I announced to the People of Peru that my object had been, and always would be, to secure the independence of America and the Peace of the Continent. Both are incompatible with the existing Government of this Vice-Royalty; and 10 years' experience proves that the Government of Lima has been the origin of the War which has kept the neighbouring States in darkness; and has been the cause of shedding torrents of Peruvian blood, to suppress the spirit of independence which was every where manifested.

A few days after my arrival, I received an invitation from the Vice-Roy of Lima to enter into Negotiations, which should embrace the general felicity, and put an end to the calamities of War. I willingly suspended my operations, being anxious to prove that I did not seek the field of battle, except when compelled by necessity to pass through it to gain the Temple of Peace.

The language of the Vice-Roy of Lima led me to hope that the late Revolution of the Peninsula would have entirely changed the ideas of the Spanish Government respecting the Americas, and that the new policy would be compatible with our great interests. He informed me that its Commissioners would be sent to Head-Quarters, who, before my arrival, were about to depart for Chili. I wished to prove the sincerity of my intentions, and, in anticipation, sent mine to hear their propositions, in order in proper time to make ours.

On the 19th ultimo, my Deputies, Colonel Don Tomas Guido, my

first Aid de Camp, and Don Juan Garcia del Rio, Secretary of the Government, proceeded to Lima. Their official conduct, agreeably to the Instructions I ordered to be prepared for them, will shew to those interested in our fate, that if justice upholds our Claims, the interest and policy of Europe are equally conformable to them.

The establishment of a Government, and its conformity with the Constitutional System established throughout the civilized World, have been the basis of the opening I have made on this occasion.

My inclination for Peace, my wish to triumph by reason, exaggerated in my sight the probability of success. I had hoped that the Vice-Roy would participate in my sentiments, and would not allow to escape this brilliant opportunity of putting an end to the Revolution, perhaps of re-establishing a good understanding between Spain and America, by means of friendly relations which would raise an eternal barrier against the mania of dominion. I protest that, in the course of my public life, I have never taken a step more analogous to the interests of both Worlds, nor of greater influence on the present and future times; but I forgot that 3 ages of dominion had closed the channels by which America might be united to Spain, and had left open only that of subjection, under modifications which necessity occasionally suggested, but which policy provided the means of evading.

The first proposal made to my Deputies, by those of the Vice-Roy of Lima, was "that, in the name of the Chilian State, its Chiefs, and Inhabitants, they should adopt and swear to the Constitution of the Spanish Monarchy, sending their Deputies to the Sovereign Congress, and entering into all the rights and privileges granted by the Cortes." My Deputies replied, positively, that they were not authorised to commence any negotiation on that basis, and that they could admit none inconsistent with the principles which the free Governments of America had established as the invariable rule of their conduct.

If the above proposal did not bring to our recollection the policy observed by the Cortes in Cadiz, even at the period of their greatest struggle, and when the liberality of their opinions bordered almost on a democratic enthusiasm—if it did not resemble the language adopted by the King in his Proclamation to the Transatlantic Inhabitants, in which, after some magnificent promises, made without guarantee, and lavished in the transport of his forced repentance, he concluded by threatening us with the national indignation, if we refused to submit to the Constitution;—it might have been believed that it was but a ministerial manœuvre, whose only object was to get our refusal, in order to propose without violence new measures; but there is a concurrence of circumstances that leaves no doubt that such is the true spirit of the King, and the point of contact between the Liberals of the Year 1812, —the Slaves who banished them in 1814, and the Constitutionals

of the present day ; in a word, between all the Parties which patriotism or the passions may have formed in the Peninsula.

The Deputies of the Vice-Roy finding that their first proposal was declined, brought forward several others, of which the principal one was, that the Army under my command should evacuate the Territory, and retire to Chili, under the express condition of sending to His Catholic Majesty, Deputies with ample power to solicit what they might desire. This new proposal convinced my Deputies that nothing could now be expected by negotiating with the Government of Lima, and that the moment was arrived for terminating the Conference at Miraflores, either by making a last attempt to ascertain the probability of War, or the extent of the obstacles that prevented Peace. Under this idea they proposed to the Vice-Roy's Commissioners, that the Troops under my command should evacuate the Territory of Pisco, and take post on the right bank of the Desaguadero River ; the Territory of Chili as marked out in 1810, being also evacuated by the Troops of His Catholic Majesty ;—that the State of Chili should remain in its present political situation, and should send to Madrid, Commissioners fully authorized to negotiate with His Catholic Majesty ;—that hostilities by Land and Sea should be suspended until 3 months after the result of the Negotiation might be known, in case it should not have terminated the differences existing between America and Spain ;—and lastly, that the Stipulations should be guaranteed by the Senior Officers, in these seas, of the Naval Forces of His Britannic Majesty and of The United States.

It appeared reasonable to expect, on the part of the Vice-Roy's Commissioners, a full acquiescence in the only proposals that I could admit,—considering my military dispositions, the state of public opinion, and the insufficiency of the means employed to resist them ;—but their Government determined on supporting a plan, the consequences of which cannot be doubtful : their Commissioners persisted in refusing the principal points contained in our proposals, viz. ;—the evacuation of the 4 Provinces of Potosi, Chuquisaca, Cochabamba, and La Paz ; and the guarantee of the Senior Officers of His Britannic Majesty's and The United States' Naval Forces in these seas, in the name of their respective Governments, for the fulfilment of the Articles that should be agreed upon.

It is true, they acceded to other general Articles, which in such cases serve to connect the secret instructions with the ostensible views of a Negotiator ; but they stated that, in the present moment and circumstances, it was too great a sacrifice to accept Peace on the terms proposed by my Deputies.

It became then necessary that they should return, in order to acquaint me with the result of the Negotiation. As soon as I was informed

of it, I resolved upon renewing hostilities, with the previous notification of the rupture, conformably to the 3d Article of the Armistice concluded on the 26th ult., which expired the 4th instant, and with advising the Vice-Roy of Lima of my resolution. I was regardless of my own feelings, and attended only to the imperious call of my duty.

I have opened the campaign, and, since my expectations of Peace have been disappointed, I will show them at least that War may be carried on with energy as well as humanity.

The Vice-Roy of Lima, in his last Letter, signifies his wish to give Peace to the American People, but that having to consult a will superior to his own, and being bound by the duties of his public character, he cannot offer other terms, to make even a diversion in the current of misfortunes.

I do justice to his personal feelings; I have no hesitation in believing that his sincerity reaches that point where his official duties commence. He also adds in his Note, that, if the Correspondence, such as it has been, should be published, he submits to the decision of an impartial World, that it may decide on whom humanity shall lay the blame of future calamities. A little before, he states, as if to lay the foundation of the consequence he anticipates, that he had proposed to disarm his Forces, if I would disarm mine.

In the course of the Negotiation at Miraflores, no mention was made to my Deputies of any plan for disarming our Forces, but only that there should not be any augmentation of force, in the event of a Convention being agreed upon, on the basis proposed by either Party. Neither in the 6 Propositions made by the Deputies of the Vice-Roy, on the 27th ultimo, nor in the 14 comprehended in his Note of the 30th, is there the slightest hint of the proposition to which he alludes. I am sorry to be compelled to make this observation, but it is necessary in order to remove any doubt which might be inferred from my silence.

To be brief, the Proposals made by the Vice-Roy of Lima were either inadmissible, unfounded, or without guarantee. To swear to the Constitution of Spain would be a violation of the Oath we have so often taken before God and the Country. The evacuation of the Territory occupied by my Army, and its return to Chili, under the conditions of indemnifying, reciprocally, the expenses incurred, and the injuries sustained, would only prolong the anxiety of the People, and add the uncertainty of fresh danger. A Truce till the result of the Negotiations to be carried on in Madrid by the Chilian Commissioners, has not, nor can have, a perfect guarantee, the proposal of my Deputies for the latter object having been refused. Between a Government accustomed to dominion, and a People wearied out by experience of the instability of promises, it is necessary that the guarantees be drawn from a source free from the suspicions, which repeated vio-

lations create. To this may be added, that, doing every justice to the Vice-Roy of Lima, the confidence in his word could only exist while he should continue in power.

Under such circumstances, I have been obliged to issue to my Army, Orders which it is accustomed to obey. I have opened the campaign without fear, but with great regret: hitherto the fortune of arms has not been adverse; but the evils of War have always weighed heavily on my heart. I do not seek victory to gratify personal views, but to establish the Independence of my Country, and fulfil the duties which fate and nature have imposed upon me. The moment is arrived when I ought to manifest the means in my power, and which circumstances have placed under my controul. The Troops who accompany me have been educated in the school of triumph. The Cavalry under my orders is commanded by a General whose bravery is almost unexampled in the history of War. The Artillery of the Expedition abounds in materials not only for the campaign I have undertaken, but for any other, even a longer and a more difficult one. The Inhabitants of the Country destined to be the theatre of this decisive Contest, are divided between those who ask for peace from fear of war, and those who have long sighed for liberty and justice. In a word,—force, opinion, reason, necessity, experience of the past, anticipations of the future, and the very measures which the Government of Lima is obliged to take for its defence,—are additional resources to me, on which I rely for the successful termination of the campaign of the year 1820.

People of Peru! I have paid the tribute which, as a public man, I owe to the opinions of others. I have explained what is my object and my mission amongst you. I come to fulfil the expectations of those who wish to belong to the soil where they were born, and to be governed by their own Laws.

The day that Peru pronounces freely her wishes, respecting the form of the Institutions which are to govern her, be they what they may, my employment ceases; and I shall have the glory of announcing to the Government of Chili, on which I am dependent, that her heroic exertions have at length received as a recompense the pleasure of having given liberty to Peru, and security to the neighbouring States. My Army will then greet a large part of the American Continent, whose rights have been established at the price of its blood; and I shall have the satisfaction of having participated in their toils and ardent hopes for the Independence of the New World.

Head-Quarters of the Liberating Army, in Pisco, 12th October, 1820.

JOSE SAN MARTIN.

PROCLAMATIONS du Président d'Haïti, Boyer, promulguées après la mort de l'Empereur Christophe.—Octobre, 1820.

(1).—*Proclamation au Peuple et à l'Armée de l'Artibonite et du Nord.*

JEAN PIERRE BOYER, *Président d'Haïti.*

CITOYENS ! SOLDATS !

L'HORRIBLE despotisme sous lequel vous avez gémi pendant 14 ans, et la misère que vous avez soufferte, paraissent toucher à leur fin. L'exemple du premier effort fait pour votre liberté vous est donné par Saint-Marc, qui vient de se ranger sous les bannières de la République. Ce n'était rien, mes chers Compatriotes, que d'avoir combattu les Français pour conquérir notre indépendance nationale, si une sage organisation et un Gouvernement bien représenté n'étaient venus assurer non seulement à la génération présente, mais encore à nos enfans, les bénéfices de l'Eglise et l'égalité de droits, et garantir en définitive une longue existence aux Haïtiens régénérés. C'est l'objet des travaux des Représentans du Peuple, tandis que le Général Christophe ne consultait que son ambition et ses passions. Il abusa de l'autorité qui avait vaincu nos anciens Tyrans, entra comme un Brigand dans cette Ville où était réunie l'Assemblée Constitutionnelle, et commença la guerre civile, parce que notre Corps Législatif avait jugé convenable de limiter l'autorité du Magistrat sur le Peuple. Dieu n'a pas permis que cet homme orgueilleux réussit dans son projet : sa tentative fut repoussée. Le Gouvernement de cette République fut organisé d'après la Constitution émanée de la volonté générale, et l'Etat a constamment marché d'un pas lent mais sûr vers la solidité et la prospérité, tandis qu'une catastrophe a renversé le fantôme de pouvoir qu'avait usurpé le Général Christophe. La verge de fer qu'il tenait suspendue sur vos têtes s'est brisée dans ses mains.

Citoyens ! Soldats ! Je ne vous répéterai pas toutes les horreurs commises par le Chef du Nord et ses Agens. Elles répugnent à mon cœur, et je me hâte de les bannir de ma mémoire ; mais je vous rappellerai cette vérité incontestable : lorsque la vertu est aux prises avec le vice, le triomphe de celui-ci ne peut durer ; telle est la volonté du Très-Haut.

Ainsi que mon Prédécesseur Pétion, Fondateur de cette République, j'ai toujours calculé, qu'avec votre secours nous briserions un jour le joug de fer de l'oppresseur, qui a si fréquemment violé les droits personnels et accumulé toutes sortes de maux sur Haïti. Suivez l'exemple de la 8^e Brigade et de la Garnison de Saint-Marc ! Imitiez ces braves gens ! Tous les militaires qui se rangeront sous les Lois de la République seront amplement récompensés ; à ces jours de peines et de douleurs succéderont ceux de l'union et de l'amitié.

Habitans de l'Artibonite et du Nord ! Soldats de tout grade, mes Compagnons d'armes ! Les Haïtiens ne peuvent plus avoir entre eux de

querelles suffisantes pour faire couler le sang. Remercions le Tout-Puissant, oublions tout ce qui s'est passé, et souvenons-nous des infortunes. L'Armée Républicaine que vous voyez à Saint-Marc, à la Commune des Berettes, aux Cayes, à Saint-Raphaël, à la Grande-Rivière, à la Valière, n'est placée dans ces lieux que pour le maintien de la tranquillité publique et pour protéger vos familles, vos fortunes, et vos droits; elle ne violera aucun de ceux-ci, et tout ce qu'elle pourra prendre sera scrupuleusement payé.

Ainsi, mes amis, réunissons-nous pour replanter l'arbre de la liberté renversé par vos tyrans. Ralliez-vous autour de lui : partagez toutes les jouissances qu'il procure; mais évitez tout reproche de la part de vos frères. La République ne veut point de sanglantes conquêtes. Elle n'ambitionne que celle du cœur et de ces plus douces affections. Si quelqu'un pèche, les lois le puniront. Oubliez, je vous le répète, tout ce qui c'est passé, et ne songez qu'à l'avenir. Venez, comme des enfans, jouir du bienfait de vos Lois.

Vive la République d'Haïti! vive l'Indépendance! vive la liberté et l'égalité?

Donné au Palais National de Saint-Marc, le 16 Octobre 1820, l'an 17 de notre Indépendance.

Par le Président,

BOYER.

Le Secrétaire-Général, B. INGINAC.

(2.)—*Proclamation au Peuple d'Haïti. Le 26 Octobre, 1820.*

HAITIENS,

LES jours de discorde et de division ont fait place à celui de la réconciliation et de la concorde, et ce jour est le plus agréable de ma vie. Enfans de la même famille, vous vous êtes tous ralliés à l'ombre de l'arbre sacré de la liberté. La Constitution de l'Etat est reconnue dans tout Haïti, depuis le nord jusqu'au midi, depuis l'est jusqu'à l'ouest. La République compte sur ses Citoyens comme sur des hommes dévoués à son service et à son indépendance.

Je ne vous rappellerai pas l'histoire de vos malheurs. Il ne faut s'en souvenir que pour en éviter de semblables à l'avenir. Quand nous prenions les armes pour détruire l'esclavage auquel nous étions soumis depuis des siècles; quand nous versions notre sang, et que nous faisions les plus grands sacrifices pour notre patrie, nous n'imaginions pas que nous deviendrions les victimes de ces hommes ambitieux, qui, dans les révolutions, perdent de vue le bien public pour penser à leur propre agrandissement.

Vous connaissez des hommes dont la fatale renommée n'a attiré que des maux sur la Nation, et n'a laissé pour héritage à leurs familles que l'exécration de leur mémoire. Vous voyez maintenant le tableau du Gouvernement inique de Christophe, qui n'agissait que par caprice.

La Constitution de la République, œuvre des Représentans de tous les Départemens, a établi des sauvegardes contre le despotisme. Si

pendant 14 ans, elle a rendu heureux ceux qui lui sont restés fidèles, elle fera surement le bonheur de ceux que Christophe a égarés. Mais, pour y parvenir, il faut, Haïtiens, que nous nous dépouillions de toute prétention particulière, et que, dédaignant tous les avantages qui résultent de l'intrigue et de la faveur, nous apportions tous notre tribut en commun.

N'oublions pas ces braves Patriotes qui n'ont jamais cessé de combattre contre le despotisme; ceux qui, dans les derniers évènements, ont aidé le Peuple à recouvrer la liberté, sont aussi dignes de la reconnaissance de la Nation. Je regrette qu'il y ait eu du sang versé le 18 de ce mois: mon Ordre du 17, renvoyé par exprès au Cap, n'est pas arrivé à temps pour épargner le Fils de Christophe et quelques Officiers qui s'étaient fait remarquer dans l'exécution de leurs ordres barbares.

Haïtiens, je demande solennellement que les évènements passés soient oubliés. Ouvrez vos cœurs à la confiance, et hâtez-vous d'agir d'un commun accord avec le Gouvernement pour consolider l'indépendance de la Nation.

Le Président d'Haïti, à qui est confiée la tranquillité publique ainsi que les propriétés, n'épargnera rien pour faire son devoir. Puissent les Citoyens suivre son exemple; et les plaies de la guerre civile seront bientôt cicatrisées.

Haïtiens, rendons grâce à l'Etre Suprême, qui a permis notre réunion; prions-le de nous inspirer des idées de paix et de sagesse, afin de laisser à nos enfans une existence assurée, une Patrie libre et indépendante.

Vivent la République et la Constitution! Vivent la liberté et l'égalité!

Donné au Palais National du Cap Haïti, le 26 Octobre, 1820, le 17^{me}. année de notre indépendance.

BOYER.

PROCLAMATION of the Regency of Portugal, relative to the Political Events at Oporto.—29th August, 1820.

PORTUGUESE!

(Translation.)

THE horrible crime of Rebellion against the lawful power and authority of our August Sovereign, the King our Lord, has just been committed in the City of Oporto.

A few evil-intentioned Persons have succeeded in deluding the Chiefs of the Troops of that City; and have persuaded them to cover themselves with shame, by violating, as they did on the 24th Instant, their Oath of Fidelity to their King and to their Banners; and by daring, of their own authority, to constitute in that City a Government which they call the Supreme Government of the Kingdom.

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The perverse Individuals who planned that Conspiracy, knew well that the only means by which they could succeed in seducing the hearts of the Portuguese, was, by concealing, under colour of an illusive Oath of Fidelity to their Sovereign, the first and tremendous step which they have induced them to take towards the abyss of Revolution; the consequences of which may be, the subversion of the Monarchy, and the subjection of a Nation, always jealous of its Independence, to the ignominy of a Foreign yoke.

Be not then deceived, faithful and valorous Portuguese, by such appearances. The contradiction is manifest, that, whilst the revolted profess obedience to the King Our Lord, they withdraw themselves from the authority of a Government lawfully established by His Majesty, and propose, (according to the declaration of the Intruders, who have constituted themselves, under the Title of the Supreme Government of the Kingdom,) the calling together of the Cortes, (an Assembly which will be always illegal so long as it shall not have been convoked by the Sovereign;) and they announce, at the same time, various changes and alterations, the petitioning for which should have been the utmost extent of their proceedings, inasmuch as such changes can alone emanate, in a lawful and permanent manner, from the Royal Authority.

Our Sovereign has never failed to give his attention to all just solicitations, the object of which has been the welfare and prosperity of his Subjects.

Even at this moment, by the Ship of War which yesterday entered the Port of this Capital, Documents have been received which will shortly be published, manifesting the truly paternal solicitude with which His Majesty deigns to attend to the welfare of this Kingdom:—this will add, if possible, to the horror which the crime committed in the City of Oporto cannot fail every where to excite.

The Governors of the Kingdom are taking, and will continue to take, all the precautions which such circumstances imperiously dictate; and which are prescribed to them by the most sacred duties of their station.

When, however, any just grounds of complaint, or of remonstrance, shall be exposed to them, they will hasten to lay the same respectfully before the Royal Presence; and they flatter themselves, therefore, that the Individuals already involved in so criminal an insurrection, will reflect on the abyss into which they are about to precipitate themselves; and will, repentantly, return to their obedience towards their Sovereign, confiding in the unalterable clemency of the most merciful of Monarchs.

The Governors of the Kingdom hope, meanwhile, that this most faithful Nation will constantly preserve that loyalty which was ever its most valued characteristic:—that the Army, whose heroism was

so lately the admiration of all Europe, will hasten to efface the stain with which their honour is threatened, by the error of the few Corps who have inconsiderately suffered themselves to be seduced ; and that the greater part of the Portuguese Army will preserve, equally with the reputation of their unalterable valour, their no less distinguished virtue of fidelity.

Portuguese ! to preserve inviolate our obedience to the King Our Lord, is at once our most important duty and our evident interest. Let us then be steadfast in these principles ; let all classes unite in the maintenance of public tranquillity ; and you will soon see re-established that order which the evil intentioned have rashly endeavoured to disturb.

This is what the Governors of the Kingdom, in the name of our adored Sovereign, recommend to you.

Given at the Palace of the Regency, at Lisbon, the 29th day of August, 1820.

THE CARDINAL PATRIARCH.
MARQUES DE BORBA.
CONDE DE PENICHE.
CONDE DE FEIRA.
ANTONIO GOMES RIBEIRO.

*PROCLAMATION of the Regency of Portugal, for the
Convocation of the Cortes of the Kingdom.—Lisbon, the
1st of September, 1820.*

PORTUGUESE,

(Translation.)

THE Government, considering the imminent danger to which the Nation and the Monarchy are exposed, if the crisis threatened by the Insurrection of the Citizens of Oporto be not averted ; and authorised by the extraordinary powers with which they are invested, especially in case of any event of national urgency ;—with the consent, and by the advice of a majority of the Council and Magistracy, as well as of the leading persons among the several ranks of society—have determined to convoke the Cortes, in the name of Our Sovereign Lord the King ; and have appointed a Committee for the purpose of taking the necessary steps for the immediate convocation of the said Cortes.

The Government trusts that this measure, so promptly taken, will convince the whole Nation of its determination to pay deference to the public wishes, and to draw them together to a common point, for a legitimate purpose ; and that all the component parts of the body of

the Nation will see the necessity of concerting together for the maintenance of that unanimity which can alone avert the impending evils of anarchy, Civil War, and the dissolution of the Monarchy.

THE CARDINAL PATRIARCH.

MARQUES DE BORBA.

CONDE DE PENICHE.

CONDE DE FEIRA.

Lisbon, 1st September, 1826.

ANTONIO GOMES RIBEIRO.

PROCLAMATION of the Provisional Government of Portugal, for the maintenance of order.—Lisbon, the 17th September, 1820.

PORTUGUESE!

(Translation.)

THE Provisional Government established in Lisbon, whom you have unanimously and spontaneously elected, before the Troops of the Garrison; flattered by your choice, are anxious to meet the confidence reposed in them. Public tranquillity, personal security, respect to property, confidence in the Government, and obedience to the Laws and constituted Authorities, are the only means of following up our regeneration. This must be the work of the wisdom of the Deputies and Representatives of the Nation in the Cortes. Meanwhile let nothing alter; let no tumult sully the glory which has been so justly obtained by your behaviour in the present crisis.

Portuguese! you are a unique example in history. Your fidelity to the august House of Braganza—your purest of all loves, for the most amiable of all Sovereigns—your constancy in adversity—your firmness in the principles of your faith,—your fidelity to the Throne, and to the Laws, in spite of the most violent shocks;—all constitute you a Nation of heroes.

Yes, Portuguese! to forget long woes, to triumph over your own passions, to seek, unceasingly and enthusiastically, the good of your country;—this it is that characterizes heroes, and these are your qualifications amongst civilized Nations. You have made the first step to happiness: but you must not deviate from the path which our Ancestors have trodden. Do not confound liberty with licence—the one is the work of reason, the other of extravagance.

Europe and the whole World may learn from you to recover their liberty, to reform their Laws, and to fix the lot of present and future generations,—without spilling the blood of Brothers, without disturbing order, and without losing sight of the dignity of the Nation.

Portuguese! trust to our wishes and to our vigilance. The Government will pay attention to your just representations, and it expects an efficacious co-operation on your part, in an obedience to the Laws, and to the existing Authorities.

And you, brave Army, of immortal name, which has twice saved your Country ; finish your work ! Your honour and glory will be the security of the Throne and of the Laws. The enterprize, which has been begun, in the name of our adored Monarch, and of the Country, must be concluded with the same splendour. You promised your Countrymen to aid in their regeneration. It is for you to defend the Nation from the horrors of anarchy, and to fulfil the solemn promise, which brave Portuguese Soldiers do not make in vain.

Palace of the Provisional Government, (at Lisbon,) the 17th of September, 1820.

Long live Religion, the King, and the Constitution.

PRINCIPAL DECANO.

CONDE DE SAMPAYO.

CONDE DE RESENDE.

CONDE DE PENAFIEL.

MATHIAS JOSE DIAS AZEDO.

HERMANO JOSE BRANCAMP DO SOBRAL.

DECREE of the Emperor of Austria, exempting the Persons and Property of the Subjects of the Germanic Confederation, on their transfer from the Austrian Dominions to another Federal State, from the Tolls and Taxes on Emigration.—Vienna, the 2d of March, 1820.

(Translation.)

WE, Francis the First, by the grace of God, Emperor of Austria ; King of Jerusalem, Hungary, Bohemia, Lombardy, Venice, Dalmatia, Croatia, Sclavonia, Galicia, Lodomeria and Illyria ; Archduke of Austria ; Duke of Lorraine, Salzburg, Steyer, Carinthia, Crain, Upper and Lower Silesia ; Grand Duke of Transylvania ; Margrave of Moravia ; Sovereign Count of Hapsburg and Tyrol, etc. etc. etc.

The recent determinations touching the exemption from all emigration-tolls or taxes, (*jus detractûs, gabella emigrationis*) secured to the Subjects of the Germanic Federal States, when their property is transferred to another Federal State, having been established by our co-operation and consent as a Member of the Germanic Confederation, and confirmed by the Assembly of the Diet held at Frankfort on the Maine, in pursuance of the Resolution of the 23d of June, 1817, for carrying into effect Article XVIII, Letter C, of the Act of Federation ;*—We order :

I. There shall be free transport for every kind of property passing from any of our lands or territories, to another Germanic Federal State, in respect of which we are connected by the Germanic Confederation ;

* See Act No. 9, annexed to the Vienna Congress Treaty, of 9th June, 1815.

which lands and territories are specified in the Declaration delivered by our Ambassador to the Diet, at the 15th Sitting, held on the 6th of April, 1818, and are moreover particularly set forth in a subsequent Article of the present Regulation,—whether such transportation be on the occasion of emigration, or in consequence of succession by inheritance, sale, barter, donation, portion, or on any other account whatever.

II. This freedom of transport for property is hereby declared absolute to the extent,—that those imposts (confined to the transport of property to a State belonging to the Germanic Confederation, or the conveyance of real property to another Federal State—whether such imposts have hitherto been payable to the Imperial Treasuries, or to private privileged Persons or Communities,) shall cease; so that henceforth the Imperial Emigration Tolls, and also the Seigneurial and Municipal imposts on persons quitting the Country, shall no longer exist.

III. The free transport of property agreeably to the above-mentioned Resolution, which is about to be introduced into the Germanic Federal States, being grounded upon the principle of a mutual and perfect equality between all the Inhabitants of the Germanic Confederation, whether they are Natives or Aliens; and as every tax connected with a succession by inheritance, legacy, sale, donation, or the like, must still be paid, where it continues to be due, whether the property continue in the Country, or be carried out of it; or whether the possessor of it be a native or an alien; so all imposts of a similar nature, existing in such of our lands and territories as do not belong to the Germanic Confederation, must still continue in force, as regards the future transport of property to any of the Federal States.

IV. The first of July, 1817, having been fixed upon by the Resolution of the Confederation, as the period from which the free transport of property between the Germanic Federal States shall be mutually observed; We will:

a. That the question of liability to, or exemption from, payment, with respect to the exportation of property, and the renunciation of right as a Subject, shall be decided by the fact, whether or not it took place before or after the above-mentioned date.

b. That in all cases where, since the first of July, 1817, a transportation of property has taken place into another Germanic Federal State, and the Imperial Emigration Toll, or the Seigneurial and Municipal Tax on departures, may have been paid, the whole amount shall be restored to the Party concerned; provided it be shewn satisfactorily that, in the Germanic Federal State to which such property has been conveyed, the free transport of property was really brought into full operation, on the principle of reciprocity, on the 1st of July 1817, with reference to our lands and territories belonging to the Germanic Confederation.

V. The lands and territories of the Austrian Monarchy which belong to the Germanic Confederation, are :

1. The Archduchy of Austria ;
2. The Duchy of Steyermark ;
3. The Duchy of Carinthia ;
4. The Duchy of Crain ;
5. Austrian Frioul or the Görzer Circle (Görz, Gradisca, Tolmein, Flitsch, Aquileia.)
6. The Territory of the Town of Trieste ;
7. The Sovereign County of Tyrol, with the Territories of Trient and Brixen : also Vorarlberg, with the exception of Wailer ;
8. The Duchy of Salzburg ;
9. The Kingdom of Bohemia ;
10. The Margravate of Moravia ;
11. The Austrian portion of the Duchy of Silesia, together with the Bohemi-Silesian Duchies of Auschwitz and Zator.

Given at our Capital and City of Residence, Vienna, the 2nd of March, 1820, in the 29th year of our Reign.

(L. S.)

FRANCIS.

FRANCIS COUNT VON SAURAU, *High Chancellor.*

COUNT VON LAZANSKY.

PETER COUNT VON GOES.

JOH. NEP. BARON VON GEISLERN.

CONVENTION between Bavaria and Saxony, respecting the expulsion and reception of Vagrants, &c.—Published at Munich, the 15th of June, 1820.

BAVARIAN NOTIFICATION.

(Translation.)

Munich, 15th June, 1820.

THE following Convention respecting the mutual expulsion and reception of Vagrants and Outlaws, has been entered into between the Royal Governments of Bavaria and Saxony.

ART. I. Neither of the 2 High Contracting Parties shall in future banish any Vagrant or Offender, to the Territory of the other, unless the Individual belong to the State to which he may be banished, and have his settlement there ; or unless he be under the necessity of taking his road through such Territory, as the subject of a State lying immediately beyond it.

II. The following are to be regarded as belonging to the State, and to whom reception shall be mutually given.

(a) Those whose father, or, if not born of lawful wedlock, whose

mother, at the time of their birth, belonged to the State as a Subject; or who have been admitted as naturalized Subjects, and have not been, afterwards, released from the obligations of a Subject, or acquired a settlement in another Country.

(b) Those born of vagrant parents within the Territory of the State; until they may have acquired the rights of a Subject in another State, according to its Constitution, or have married and become established there; or have dwelt therein 10 years, with the consent of the Government.

(c) Those who, although they have not been born in the Territory of the State, nor have acquired the rights of a Subject according to its Constitution, may, after renouncing their previous national connexions, or, as Vagrants in general, have become more closely connected with the State, either by marrying and establishing themselves therein, or by being tacitly permitted to dwell in the Country during the space of 10 years.

III. When a Vagrant is arrested, who has been born in one State, but has acquired the rights of a Subject, or has been married and established, or become naturalized by a 10 years' sojourn, in the other; the obligation to receive such Vagrant is binding upon the latter State. Where the rights of a Subject have been acquired in one State, and marriage or a 10 years' residence in the other, the former connexion is the strongest. If a Vagrant shall have married in one State, but, after marriage, have been permitted to pass the allotted period of 10 years in the other, the latter State must maintain him.

IV. Those Vagrants and Outlaws, to whom none of the descriptions contained in the foregoing Articles are applicable, must, in the first instance, be supported by the State in which they may at the time be found.

V. Married Persons of the female sex are to be sent to that State to which their husbands belong, under any of the above-mentioned connexions. Widows are to be dealt with upon the same principles; unless it happen, that, during the period of their widowhood, a change has taken place through which, according to the stipulations of the present Convention, they belong to the other State.

Widows, as well as divorced females, or wives deserted by their husbands, shall be made to return to the place of their birth, if it be out of the Country, or to their place of residence before marriage, where the marriage has been dissolved and without issue, within the first 5 years from the period of its solemnization.

VI. If a Vagrant family contain children under 14 years of age, or who cannot otherwise be separated from their parents, such children shall, without regard to the place where they may have been born, be sent to that State to which their father, on account of legitimate children, or their mother, on account of illegitimate children, may

belong. If, however, the mother of the illegitimate children be dead, and they reside with their father, they shall be received by the State to which the father belongs.

VII. If any Subject of a State shall have lost his right of Citizenship by any act of misdemeanour, and not have acquired the rights of a Subject in the other State, the first State cannot refuse to support him, or to receive him again.

VIII. Shopmen, journeymen-mechanics, servants, shepherds, and herdsmen, who are in service, and have no independent establishment of their own, and students and pupils, who continue in some particular place for the sake of education or instruction, acquire no right of residence thereby, even though they may dwell therein more than 10 years. Lease-holders shall have no greater rights than the above-named individuals, when they have not gone to reside personally with their family and property, at the spot leased.

IX. Where persons have been banished as Vagrants, or on any other ground, and, according to the established principles of the present Convention, cannot claim any settlement in the neighbouring State; the latter is not obliged to grant them an entrance into its Dominions, unless it can be most clearly proved, that the individuals to be admitted belong to a State lying immediately beyond, and to which they could not well repair by any other route than through the Territory of such State.

X. All the Authorities concerned are particularly enjoined, in sending away Vagrants into the Territory of the other High Contracting Party, not to be guided by the suspicious statements of the People so sent; but carefully to elicit the truth, and, when necessary, to make enquiries of the Government alleged to be under the obligation of receiving them,—where the connexions which, according to the Convention, impose this obligation, do not proceed from a source free from suspicion or some other perfectly credible title, or where the statement of the Vagrant is not placed beyond doubt, by special reasons and the peculiar circumstances of the case.

XI. Should a Vagrant be conducted by one of the High Contracting Parties to the Territory of the other, for the purpose of being further transported therefrom to a State lying beyond it, in pursuance of the stipulations of Article IX, and the latter State refuse to receive him, he must be taken back to the State that banished him, in order to provide for his temporary maintenance.

XII. The Towns of Hof and Plauen are appointed for the reciprocal delivering over of Vagrants and Outlaws.

XIII. The regular transfer of Vagrants consists, in the conveyance and delivery of them over to the Police Office of that place where the transport on the part of the State banishing them is to be regarded as ended. With the Vagrants, shall likewise be handed

over the particulars of the evidence upon which, according to this Convention, the expulsion is grounded. In cases where no danger is to be apprehended,—Vagrants may be banished singly to their native Country, with a Pass, in which shall be clearly laid down the route they are to follow. No more than 3 persons shall be joined in one transport, unless they belong to one and the same family, and cannot very well be separated.

The greater numbers, commonly called *Vagrant gangs*, shall in future be discontinued.

XIV. As the banishment of Vagrants does not take place upon the requisition of the State bound to receive them, and as the interest of the State banishing them is consequently alone consulted, the latter can make no demand on the State which receives them, for the expenses of their transport and maintenance.

If a Vagrant who has been conducted to a State lying beyond the Territory of either of the High Contracting Parties, shall not have been received by such State, and has, in consequence, been brought back to the State which expelled him, according to Article XI, the latter must repay all the expenses of transport and maintenance incurred by his being so brought back.

XV. The present Convention shall be binding and come into full operation from the day of its publication by the Parties respectively, for that purpose.

As therefore His Majesty the King of Bavaria has approved this Convention in every respect, and has been pleased to order that the necessary steps for carrying it into effect should be taken, this Declaration has been prepared expressly for publication, and signed by His Most High Command.

Munich, the 15th of June, 1820.

The Royal Minister of State for Foreign and Domestic Affairs,
(L.S.) COUNT RECHBERG.

CONVENTION between The Grand Duke of Baden and the Swiss Confederation, concerning the Principality of Nellenburg.—Carlsruhe, December 24th, 1820.

(Translation.)

IN order to give a mark of his friendly sentiments towards Switzerland, and in entire conformity with those displayed on this and several other occasions by his Predecessors, and taking into particular consideration the warm intercession of the Courts of Russia and Prussia, The Grand Duke of Baden has resolved, after previous deliberation with his Minister of State, and some preliminary Negotiations with the special

and extraordinary Embassy of the Swiss Confederation, to enter into an amicable arrangement concerning the estates, tolls, and ready money capital, which, with the acquisition of the Principality of Nellenburg, have become the property of His Royal Highness, and which, having formerly belonged to several secular and spiritual Foundations, Parish Churches, Communities, Corporations and Monasteries, especially in the Cantons of Zurich, Schaffhausen and Thurgau, had been claimed as escheated to the Imperial House of Austria; under which circumstances they had devolved, by the Treaty of Presburg of 1805,* upon the Crown of Wirtemberg; and finally, by the Convention of Paris, of October 2nd, 1810,† upon the Grand Duchy of Baden.

To this end were appointed as Plenipotentiaries, on the part of His Royal Highness the Grand Duke, M. Albert Friedrich, His Royal Highness's Envoy to the Confederate States of Switzerland, Privy Councillor and Commander of the Order of the Lion of Zähringer; and on the part of the Swiss Confederation, M. Jean Jacques Hirzel, Councillor of the Canton of Zurich, sent for that purpose to the Court of Baden as Envoy Extraordinary and Plenipotentiary; who, having recognized each other's Full Powers, have concluded the following Convention, subject to the Ratification of their respective Governments.

ART. I. Three-fifths of the value of all the estates, tolls, and ready money capital, formerly belonging to the several Cantons, or to secular and spiritual Foundations, Parishes, Communities, Corporations, and Monasteries, in the Principality of Nellenburg, and included in the claims of Escheat brought forward by the Imperial House of Austria; such, as they were, in the Year 1810, transmitted to His Royal Highness the Grand Duke, shall be restored to their former possessors; and the remaining two-fifths, shall form an incontrovertible portion of the Grand-ducal Domains.

II. On the other hand, Switzerland renounces for ever all claims upon the revenues that have hitherto arisen, or, up to the close of the financial Year 1820–1821, may still arise, from the whole of the above objects, as also those that may be grounded upon the right of Escheat claimed by Austria.

III. The estates, tolls, and ready-money capital, of the Cantons of Zurich, Schaffhausen, and Thurgau, enumerated in the annexed List, are recognized as forming the subject of this Convention; and this list shall be considered, *verbatim*, as a part of this Convention.

IV. Immediately after the Ratification of this Convention, Commissioners shall be respectively appointed, who shall enter into a thorough examination of all the Records and Accounts relating to this subject, for the purpose of verifying the items enumerated in the List, containing the objects claimed under the right of Escheat.

* See Martens' Supplement. Vol. 4, Page 212. † See ditto. Vol. 5, Page 295.

After the verification thereof, they shall form an estimate of the value of each separate item, according to the principles established by the Laws and customs of the Grand Duchy.

Of all the objects thus estimated, three-fifths of the value of the estates, tolls, and ready money capital, shall be forthwith restored to Switzerland, upon principles of mutual convenience, and with special regard to the local convenience concerning the shares of the estates apportioned to Switzerland.

V. The debts and burthens attached to the specified objects are likewise to be apportioned to the 2 Parties in the proportion of three-fifths to two-fifths, detailing minutely the shares that must henceforth be borne by each Government.

VI. All Records, Deeds, and Accounts, relating to the shares of the objects apportioned to Baden, shall, as far as their nature admits, be faithfully surrendered by Switzerland, immediately after each particular object has been settled. Those Records, Deeds, and Accounts, however, that cannot be divided shall for ever be considered as the common property of both, each Party having the right of consulting them at all times, and of making attested Copies of them.

VII. If it should appear that the former Swiss Proprietors of the estates and tolls in the principality of Nellenburg, claimed as escheated to Austria, have derived any income from levying tolls, or the sale of property,—the amount of the sums thus raised, shall be deducted in the proportion of three-fifths to two-fifths from the share allotted for Switzerland. The same principle is applicable to the portion allotted to the Grand Duchy of Baden, if any sales should have been effected by the latter.

VIII. His Royal Highness the Grand Duke of Baden, as a compromise for his claims on the Domain of Klingenzell, in the Canton of Thurgau, will accept the sum of 6,000 florins,—(standard, 24 florins the marc of fine silver,)—which shall be paid by the Canton of Thurgau within the space of 6 weeks from the day of the Ratification of the present Convention; for which sum the above mentioned Domain of Klingenzell, in its present state and condition, is recognized as the incontrovertible property of the Canton of Thurgau; the Records and Accounts relating to the Domain of Klingenzell being subject to the provisions contained in Article VI.

IX. The present Convention shall be ratified within 6 weeks from the date of its signature; after which the Ratifications shall be mutually exchanged.

To authenticate the present Convention, it has been drawn up in Duplicate, and signed and sealed by the 2 Plenipotentiaries.

Carlsruhe, the 24th of December, 1820.

(L. S.) J. J. HIRZEL. (L. S.) AL. FRIEDRICH.

(Declaration.) With respect to the IVth Article of the Convention signed this day, concerning the Possessions in Nellenburg, claimed by Austria as escheated, and the restoration of three-fifths of the estates, tolls, and ready money capital, thereby determined upon; it is declared, in pursuance of the wishes of the Swiss Plenipotentiary, that, for the sake of that mutual convenience secured by the Convention, with a special regard to the locality of Switzerland, as applicable to the 3 different classes of objects that are to be divided; it shall not be necessary that each individual object be divided by two-fifths and three-fifths, wherever such division may be attended with injury to the future Possessor, but that, upon the whole, the greatest possible equality shall be observed between the 2 States in the bulk of the apportioned amount of each class. Drawn up and signed, at Carlsruhe, the 24th of December, 1820.

J. J. HIRZEL.

A. L. FRIEDRICH.

ORDINANCE of the King, regulating the future management of the State Debt of Prussia.—17th January, 1820.

(Translation.)

WE, Frederic William, by the Grace of God, King of Prussia, &c. &c. &c.; hereby proclaim and declare:

The well-known events of recent times, and the variety of obligations which they have imposed upon us, have hitherto prevented us from completing the Regulations for the management of the entire State-Debt, as proposed by the Financial Law of the 27th of October, 1810.

Notwithstanding these and many other impediments, the enactments of that Law have been fulfilled, so far as they relate to the regular payment of the current interest and the arrears thereof, and to the consolidation and liquidation of those Debts, which, so far as our means extended, had a preferable claim; and, although a vast number of other important investigations have hitherto rendered a general survey of the whole of the State-Debt impossible, we have already, by our Proclamation of the 7th of May, 1818, ordered the formation of a Sinking Fund of 1,000,000 Rix dollars per annum, for the redemption of the State Debt Bonds.

We have now become acquainted with the whole amount of the State-Debt, and have, in consequence, resolved upon making the same known to the Public.

By so doing, and by hereafter submitting this important matter, as we propose to do, to the States of the Kingdom, we hope to strengthen the general confidence in our Government and its Administration, by proving to the Creditors of the State the sincerity of our intention to render justice to all of them. We entertain this hope with the greater

confidence, because it is for their security, and for the regular payment of the interest and gradual liquidation of the entire State-Debt, that We now adopt the following necessary and irrevocable regulations.

ART. I. The State-Debt bearing interest, which was contracted for the exigencies of the Government and the preservation of the Country, both by our Predecessors, and during the eventful period of our own Reign, amounts, according to the annexed Account, confirmed by us, to the sum of 180,091,720 Rix dollars. This sum includes not only the Debts originally bearing interest, but likewise those which will hereafter be admitted to bear interest.

This Debt is always to be considered, both by us and by our Successors, as chargeable upon the State and all its constituent Members, until it be finally liquidated.

II. We declare the Account of the State-Debt to be for ever closed. No State Debt Bond or other State Debt Document shall be issued beyond the amount of the sum stated in that Account.

If for its own preservation, or for the public good, the State should hereafter be compelled to resort to a new Loan, this shall be done only with the participation and co-guarantee of the Assembly of the States to be hereafter established.

III. As a security for the entire State-Debt now recognized as such by the Account confirmed by us, excepting only such parts as are secured upon private mortgages; We do hereby, for ourselves and our Successors to the Crown, mortgage the whole money-capital and property of the State, and more particularly all the domains, forests and secularized estates, throughout the whole extent of the Monarchy; with the exception of such portion as may be required to furnish the yearly sum of 2,500,000 Rix dollars, for the maintenance of our Royal Family, our Court, and the Courts of all our Princes and Princesses, as likewise for all the establishments connected with them.

IV. The regular payment of the interest upon this Debt is made according to the rate reserved by the respective Bonds, in the same shares and by the same Offices and Administrations, as heretofore.

If, hereafter, We should find it expedient that the payment of interest, which has hitherto been made only at Offices within the limits of our own Dominions, should also be made in Foreign Commercial Places, we reserve to ourselves the power of directing the Administration of the State-Debt to have this effected by our Commercial Establishment.

V. For the gradual liquidation of all Debts bearing interest, excepting those the liquidation of which has been stipulated in a different and irrevocable manner, such as Loans contracted with Foreign Countries;—We consent, that 1 per cent. per annum, of the present amount of the Debt, be set apart for the formation of a General Sinking-Fund.

The savings of interest resulting from the gradual liquidation of the Debt, shall be likewise added to this Sinking Fund, but under the following modifications and restrictions:

a. The savings upon the Old Bonds of the Province of Kurmark [v. Account I. Litt. *b*], according to their peculiar system of liquidation, shall be applied to this Sinking Fund, without any interruption, until the entire liquidation of this Debt.

b. The same mode of operation shall be observed with regard to the Debts specifically mortgaged, as particularized in Account I. Litt. *c.*; without, however, infringing upon the right, belonging to Creditors of this class, of giving notice to redeem them.

c. With regard to all the remaining Debts specified in Account I. Litt. *d. e. f.*—the savings of interest resulting from their gradual liquidation, shall be added to the Sinking Fund at fixed periods only; viz. in the years from 1820 to 1822; including the savings obtained already, by the liquidation of Debt in 1818 and 1819. From the 1st of January, 1823, however, these savings shall be added to the Sinking Fund only at the end of every 10 successive years; in order that the sums required for the payment of the interest may be thereby so decreased as to afford to our Subjects a gradual diminution of taxation.

VI. Although our Ordinance of the 27th of October, 1810, as well as the tenour of the State Debt Bonds, provides that the gradual liquidation of the State Debt shall be decided by lot; yet as the effect of this measure has hitherto not satisfied either the wishes of the Government or the expectations of the generality of the State Creditors; We hereby decree:—that the State Debt Documents, specified in the Account I. Litt. *b. c. d. e.*, shall not, for the present, be redeemed by lot, but shall be brought up yearly to an amount proportionate to the Capital of the Sinking Fund and the savings of interest; as has been done with the greatest success, in the years 1818 and 1819, with regard to the State Debt Bonds. The liquidation by lot shall, in future, be admitted only, after the respective State Debt Bonds shall have ceased to be sold under their nominal value, either at the Exchange or elsewhere.

VII. The following Revenues are assigned for the regular liquidation and payment of interest:

1. All the Revenues of the Domains and Forests; subject to the reservations specified in Article III.

2. The receipts arising from the sale of Government Estates, henceforth to be sold for ready money only, and from the alienation of copyhold and leasehold rents, and other ground-rents, rights, tithes, soccage, &c.

3. The Revenue from the Salt-works; so far only as shall be required to supply the wants of the Administration for the liquidation of the State Debt.

The Provincial Authorities are responsible for the remittance of

these funds, monthly, and without either delay or deduction, to the Administration for the liquidation of the State Debt.

After the 1st of January, 1820, the Provincial Administrations can justify their disposal of the Receipts arising from the Items 1. 2. & 3. only by legal Vouchers of the Administration for the liquidation of the State Debt. From the same period forward, only those payments due on the sales of Government Estates, alienations, &c. (according to § 11), shall be considered legal, which have been acknowledged by the Administration of the State Debt, more specifically mentioned in the subsequent Sections.

The former Administration of the Funds arising from the sale of State Domains, having ceased since the 1st of January, 1820; the residue of cash which it has left, shall be added to the Funds of the Administration of the State Debt.

VIII. In giving its decision upon our legal rights on the State Domains in our re-conquered and new Provinces, our Council of State, on the 30th of June, 1818, suggested the formation of a Board, which should be responsible for applying to the liquidation of the State Debt, all sums arising hereafter from the sale of State Domains.

In consequence of this suggestion, and in order that the provisions made in this present Ordinance may be duly carried into operation, we create an Administration, hereby entirely distinct from, and independent of, all other Government and Finance Administrations, which shall be called the

General Administration of the State Debt.

IX. This Administration shall be composed of a President and 4 Members.

We name for its President :

The Prime Councillor of Finance, Rother.

And for its 4 Members :

1st. Member, the Prime Councillor of Finance, Von der Schulenburg ;

2d. Member, Councillor Von Panwitz ;

3d. Member, Judge Beelitz ;

4th. Member, M. David Schickler, Head of the banking-house, Schickler, Brothers.

If, hereafter, the President or any one of the 4 Members, should retire from the Administration, the future Assembly of the States, or, if it should not have been created, our Council of State, shall propose 3 Individuals, from whom we will choose one, to supply the Vacancy.

The President is charged with the superintendence of the whole: the authority of the Members, however, being equal to his own, they shall have the same responsibility as the President.

X. This Board is responsible to ourselves and to the State Creditors, that, according to Article II, there be issued no State Debt Bond, nor

any other State Debt Document, beyond the number fixed in the Account confirmed by us :—with this exception, that they may issue State Debt Bonds, (but only in the form hitherto observed) for all the sums named in the Account. They may even issue State Debt Documents of a different form, if necessary, for that quota of the State Debt, respecting which, although mentioned in the Account, no final regulations have as yet been made.

We, however, reserve to ourselves the necessary directions as to the Authorities or Persons to whom the State Debt Documents, on each individual item of the State Debt Account, shall be given.

XI. If, for the final settlement of certain individual debts, the Exchequer should require a less sum than the estimate proposed for them in the Account, the Administration of the State Debt shall, as soon as the amount of the diminution has been fully ascertained, apply the latter, together with the future interest to accrue thereupon, from the next period of payment of the interest, to the formation of a Sinking Fund; deducting, however, so much as may be required for covering any deficit upon other items which, in the Account, have been estimated at too low an amount.

The interest arising from the Capital of this Sinking Fund, while it remains in the hands of the Administration of the State Debt, shall be joined to the General Sinking Fund, and shall, if circumstances require it, be preferably applied to the more speedy liquidation of those Debts which, as mentioned in Article V, *b*, are specially mortgaged.

XII. The Administration of the State Debt is moreover responsible for the punctual payment of the interest, and the liquidation of the principal, of the State Debt, according to the regulations laid down in Articles IV and V, and is bound, in all its operations, to pay the greatest attention to the preservation of the public credit of the State.

XIII. It is the duty of the Administration of the State Debt to lay before the future Assembly of the States, a yearly account of its operations. Until this Assembly be created, our Council of State stands charged with this duty. In the confirmation of that Account, which is reserved to ourself, the opinion of that Assembly shall be our guide. For the present we shall avail ourself of the assistance of our Council of State.

XIV. Until the Assembly of the States shall have met, a Deputation of the Magistrates of Berlin, in conjunction with the Administration of the State Debt, shall, in their stead, after the close of the yearly Account, place the redeemed State Debt Documents under their common Seal, and take care that they be kept safely and apart in the Depository of the Supreme Tribunal. Before thus depositing them, however, the Numbers and Marks of the redeemed Documents, together with the Accounts of the Administration, shall be made public.

XV. The President and Members of this Administration shall make Oath, in the Hall of the Supreme Tribunal, and before our Minister of

Justice, a Deputation of the Magistrates of Berlin, and the Heads of the Exchange and Elders of the Guild of Merchants, promising thereby that, in taking upon them the duties of their offices they will act upon those principles, and according to those regulations only, which are prescribed to them by the present Law.

XVI. The Administration of the Sinking Fund, together with the Office for the State Debentures, or, as it is called, the Controul of the State Debt Documents, with all the Officers and Functionaries, who have been hitherto under the superintendence of the Exchequer, shall henceforth be under the exclusive superintendence of the Administration of the State Debt.

We leave to our Chancellor of State to fix the yearly sum requisite for the maintenance of this Administration. He shall also make the necessary deduction of expenditure from the Account of the Exchequer, and transfer the same into the Accounts of this Administration.

XVII. In order that the Administration of the State Debt may be enabled to keep its accounts clear and regular, the attainment of which object is rendered altogether impossible, so long as the Owners of the State Debt Documents neglect for years to claim the interest that has become due upon them; we have found it absolutely necessary to fix the term of limitation for all arrears of interest that shall hereafter become due on State Debt Documents, at 4 consecutive years from the day upon which they became due.

This regulation is not only applicable to all arrears of interest that shall become due hereafter, but likewise to those that are already due; so that the right of claiming arrears due up to the present period, will be irrevocably extinct on the 1st of January, 1824. All sums of interest thus forfeited shall be added to the Sinking Fund; and all Claims that may be brought forward hereafter by Persons who had originally the right to them shall thenceforward be considered as annulled.

XVIII. Besides the Debt bearing interest, the State is also bound to guarantee the Debt bearing no interest, amounting to the sum of 11,242,347 dollars, and arising from the Treasury and Dollar Bonds issued during our Reign, and from the Saxon Exchequer Bonds admitted by Treaty to be due from us, *v. Lit. a.* and from some other claims. For the present, the sum of 20,000 dollars is inserted in the Account, for the purpose of renewing those Bonds that have become worn by circulation. The exact sum requisite for this purpose shall, hereafter, be fixed annually according to the different wants of each year.

XIX. In addition to the above, there is also the Debt resulting, principally, from the new and reconquered Provinces, and partly from the old Provinces, in consequence of the different changes introduced into the Administration of the Country, the items of which are found on the Debit-Account of the Provincial Governments. This Debt, requiring in many instances further investigation, has been admitted

in the present Account, upon a preliminary Estimate, at 25,914,694 dollars.

The Exchequer will ascertain the real amount of this Debt ; and, until this shall have been effected, (a task which must be completed before the close of the present year 1820,) that Department will likewise provide for the payment of the interest upon it, out of the means set apart for this purpose in our Household Budget.

As soon as the amount of this Debt shall have been definitively settled, it shall likewise be placed under the management of the General Administration of the State Debt ; after which we will make the necessary provision for the liquidation of its different items, except where that has been done already, as in the case of the Saxon Central-Tax-Bonds.

XX. Until the Sinking Fund shall have been established, no Creditor shall be allowed to claim the payment of his Debt, except in those cases where State Domains, specially mortgaged for certain Debts, shall be sold for the benefit of the General Sinking Fund.

On the other hand, all Debts due to the Provincial Governments shall be collected as soon as possible. Of these, a Separate Account shall be kept, and the whole sum shall, at the close of this year (1820) and according to the regulations contained in Article V of our Ordinance of the 9th of March, 1819, be applied to the payment of the Debts, or made over to the future Sinking Fund of the Provincial Debts.

XXI. Although, according to the provisions made in the Account, Lit. *f.* Tit. I, proportionate aids may be granted to single Provinces and Communes, for the payment of the interest upon, and the gradual liquidation of, their respective War-Debts ; We expressly direct by this Ordinance, which is intended to embrace the administration of all the Debts of the State, that those aids shall never be carried to such an extent as to grant to the Creditors of the aforesaid Debt, more favorable terms than those laid down in Article V. for the formation of the Sinking Fund and final liquidation of the principal State Debt.

XXII. Having thus made the necessary and ample provisions for the security of, and the regular payment of interest upon, and gradual liquidation of, all the Debts of the State, it is our will that the Administration of the entire State Debt be henceforth and for ever regulated according to the provisions of the present Ordinance.

XXIII. We shall continually watch over the punctual fulfilment of this Ordinance in all its parts, and We hereby declare the different branches of the Government, interested therein, responsible for the entire and punctual execution of its different provisions.

Berlin, 17th January, 1820.

(L.S.) FREDERIC WILLIAM.

C. PRINCE HARDENBERG.

(Annex.)—*ESTIMATE of the Debts of the State, of the Interest they bear, and of the means of paying them off.* (Translation.)

RECEIPT.				YEARLY.	
No.				Rix thlr. gr. pf.	
I.	Disposable Revenues of Domains and Forests	-	-	5,868,000	0 0
II.	Sales of Domains	-	-	1,000,000	0 0
III.	Salt Revenues	-	-	3,275,027	21 10
(or so much of them as shall be necessary to make good possible deficiencies from Nos. I and II.)					
TOTAL, Rix Thalers.				-	10,143,027 21 10

EXPENDITURE.		CAPITAL.	YEARLY.
No.		Rthlr gr. pf.	Rthlr. gr. pf.
I.	Interest of the Debt of the State, according to the Special Report of the Commissioners for the payment of the Public Debt: viz.		
a.	Foreign Loans	35,982,009 12 7	1,799,100 11 5
b.	Old Debentures of the States of the Electoral Marches	3,234,890 23 8	160,616 11 10
c.	Particular Debts on special obligations	598,535 17 2	24,836 9 0
d.	Domain Pawn Debentures	5,527,245 0 0	262,663 21 7
e.	Certificates of the State Debt, or Consolidated Debt of the State, enumerating the sources whence it arises	119,500,000 0 0	4,780,000 0 0
f.	Debts yet under examination and liquidation	15,249,039 13 8	609,960 0 0
		180,091,720 0 0	7,637,177 5 10
The necessary provision for the Debts of the Provincial States (amounting to Rthlrs. 25,914,694 7 grs.) is made from the provincial resources and the general chest of the Treasury.			
II.	Liquidation of the Public Debt, as follows—		
A.	Debts in Section I, a. in course of extinction by their particular Sinking Fund	33,124,866 16 0	896,166 16 0
B.	Remainder of Debts in Section III, the special Sinking Fund of which is not yet available, but which must at present be assigned to the general Sinking Fund.—	2,857,142 20 7	
C.	Debts to be extinguished by the general Sinking Fund.		
a.	Debts to whose Sinking Fund the whole of the interest of the extinguished capitals will be assigned, until the whole capital is paid off.—		
	Section I. b. 3,234,890 23 gr. 8 pf.		
	c. 598,535 17 2	3,833,426 16 10	
b.	Debts whose Sinking Fund increases only at certain periods by the interest of extinguished capital, and first in the 3 years from 1820 to 1822, and then every 10 years		
	Section I. d. 5,527,245 0 gr. 0 pf.		
	e. 119,500,000 0 0		
	f. 15,249,039 13 8	140,276,284 13 8	
	Total, with addition of the savings of Interest, in the years 1818 and 1819	180,091,720 0 0	1,589,684 0 0
D.	Debts bearing no interest, Treasure and Thaler Tickets, and Tickets of the Chest, Letter A. &c.	11,242,347 0 0	20,000 0 0
	Total II. for extinction of Capital	191,334,067 19 1	2,503,880 16 0
	I. for paying the interest due on it	-	7,637,177 5 10
	Total Expenditure	-	Rix Thalers 10,143,027 21 10

BALANCE.			
Receipt	-	-	10,143,027 Thlr. 21 gr. 10 pf.
Expenditure	-	-	10,143,027 Thlr. 21 gr. 10 pf.

Berlin, 17th January, 1820.

C. PRINCE HARDENBERG.

FREDERIC WILLIAM.

ESTIMATE of the Receipt and Expenditure of the Kingdom of Prussia, for 1821. (Translation.)

RECEIPT.		Net Produce.
		R. Thalers.
From the administration of the Forests and Domains, deduction being made of the produce of the Domains set apart unalienably for the Crown		5,604,650
From the sale of Domains made to accelerate the extinction of the National Debt		1,000,000
From the administration of the Mines, Forges, Salt-works, and Porcelain Manufactory at Berlin		572,000
From the administration of the Post		800,000
From the administration of the Lottery		507,800
From the Salt monopoly		3,800,000
From the administration of the Customs and Taxes.		
<i>a.</i> Land-tax, Commutation for lodging Troops, and other Imposts of that branch	9,326,000	} 35,857,850
<i>b.</i> Poll Tax	6,321,850	
<i>c.</i> Tax on Trades	1,600,000	
<i>d.</i> Excise on home and foreign productions, Tolls, Taxes on Navigation and other Dues on Freight	15,280,000	
<i>e.</i> From Turnpikes on high Roads	420,000	
<i>f.</i> Stamp Duties	2,910,000	
From other Services, and Extraordinary Receipts		1,857,700
Total, Rix Thalers....		50,000,000

EXPENDITURE.		R. Thalers.
For the Privy Cabinet, the Office of the Chancellor of State, the Administration of State, the General Commission of Orders, the Statistical Office, the Archives of State, the Secretary of State's Office for the general controul, and the Chief Chamber of Accounts		300,550
For the administration of Foreign Affairs, and Missions		600,000
For the administration of Spiritual matters, Education, and Medicine		2,000,000
For the administration of Justice, and Fees paid to Tribunals		1,720,000
For the administration of the Interior, the Police, and the Provincial Gendarmerie		2,300,300
For the administration of Trade and Commerce	1,154,000	} 1,574,000
For the maintenance of Causeways	420,000	
For the administration of War, the great Military Orphan House at Potsdam, and the Officers' Widows' Chest		22,804,300
For the central administration of the Finances		272,100
For the administration of the Treasury, including the interest of the Provincial Public Debts now made over to the Chief Administration of the State Debts, and a partial extinction of them		1,159,730
For the chief administration of the Debts of the State, in consequence of the Estimate already made public, and of the Ordinance of the 17th January, respecting the Public Debt, in order to secure its extinction and the interest due upon it		10,143,020
For Allowances, Pensions, Additions to Salaries, &c.		2,700,000
For the Chief Presidencies, Regencies, Consistories, and Medicinal Colleges		2,500,000
For the principal and other breeding Studs		160,000
To cover deficiencies of Income; and extraordinary Disbursements, and improvements in the Country		1,766,000
Total, Rix Thalers....		50,000,000

Berlin, 7th June, 1821.

C. PRINCE HARDENBERG.

FREDERIC WILLIAM.

*REPORT of the Minister of Finance to the Cortes of Spain.
7th July, 1820.*

(Abstract.)

(Translation.)

By Articles CCCXLI, CCCXLII, and CCCXLIII, Chapter I, of the Political Constitution of the Monarchy,* it is ordered, that the Minister of Finance shall lay before the Cortes, a General Estimate, drawn from the Official Returns made by the heads of the various Departments, of the necessary expenditure of the Government, as well as a Statement of the taxes required to meet the same, in order that the National Congress may approve the one and authorize the other. It is, therefore, my duty to submit to the worthy Representatives of the Nation, the following subjects for their consideration.

ART. I.—State of the Treasury at the period of His Majesty's taking the Oath to the Constitution.—Measures adopted by the Ministry for meeting the demands upon the State.—Operations of the Finance Department from the 9th of March to the present time.

THE last 6 years present a perfect picture of an exhausted Treasury. Scarcely had Spain recovered from the difficulties consequent upon the War of Independence, than the sudden re-appearance of Bonaparte;—the chimerical project of subduing by force the American Insurgents;—the necessity of preventing the introduction of the plague from the Levant;—and of arresting the progress of the yellow fever in the Andalusias;—interrupted every source of supply, and completely drained the Public Treasuries.

All the plans, reforms, and measures, adopted by the Government for extricating itself from this melancholy position, were paralyzed by the general poverty and want of credit; and the month of March of the present year witnessed the deplorable situation of the Ministry, the increasing wretchedness of the Country, and the alarming and loudly expressed discontent of the People. In this afflicting state of things, even the King's Oath to the Constitution failed in relieving the Treasury from its embarrassments. The difficulties of the Ministry were still further increased by the Declarations of Independence on the part of the Ultra-marine Provinces, the separate Provisional Juntas, the suppression of the Port duties, the abolition of the monopoly of Tobacco, the falling off of the direct Taxes, and the mistaken, but generally prevailing, notion, that the new Laws were to exempt the People from every kind of Contribution.

The Army in Andalusia was in the utmost state of destitution, and equal, if not greater, necessities prevailed at Madrid, in the Maritime Provinces, and at Ceuta.

* See Page 275.

In this emergency, the Ministry determined upon replacing the system of Finance upon the same footing in which it had been left by the Cortes, in 1814. It was, therefore, decreed by the King :

1. That to avoid inconvenience, the produce of all the taxes, levied under the existing Laws, should be paid into the General Treasury.

2. That, for the relief of the Contributors, the payment of one half only of the arrears due, should be enforced; that all double salaries and pensions should be abolished; and that the most urgent demands upon the Public Treasury should be punctually paid.

3. That all Juntas and Provisional Deputations, in conjunction with the Intendants, should be authorized to employ extraordinary means to compel Persons to fulfil their obligations.

4. That the National Debt, as it existed in 1811, should be recognized by the General and Extraordinary Cortes.

5. That the management and direction of the Public credit should be transferred from the Chief Treasury to the National Junta.

6. That the Chief Treasury and Offices of Accountants-General should be re-established upon the footing on which they had been left by the Cortes.

7. That the various minor Departments should be suppressed, and their duties transferred to the Directorial Junta of Finance, whose powers should be defined in a new Regulation to be approved of by His Majesty.

8. That the regulations recommended by the Cortes, for the better administration of the Revenue, should be introduced and acted upon.

His Majesty, desirous that all favoritism should be abolished in the appointments to Offices of trust, had ordered that this important branch of the Government should be regulated by a strict regard to ability and services. The Ministry wishing, likewise, to give an unequivocal proof of its upright conduct, directed that monthly Accounts should be printed, of all monies received and disbursed by the Treasury. All these measures, however, having been found inefficacious, the Ministry determined, with the concurrence of the Provisional Junta, to have recourse to a Loan, as the best means of raising the sum necessary for urgent demands. In consequence of this resolution, the Government, rejecting, from patriotic motives, the abundant but unreasonable proposals of Foreign Capitalists, applied to the commercial Body at home, for the sum of 40,000,000 reals, to be advanced in the months of May, June, July, and August; to be repaid in 8 and 14 months, with a premium of 10 per cent out of the proceeds of the *Noveno*, *Excusado*, and *Tercias* taxes, and to be secured in the way best calculated to inspire confidence.

I was fully aware of the responsibility I incurred by taking this step; I well knew that 2 of the Articles of the Constitution expressly

declare, "that the King cannot of himself impose any direct or indirect tax, nor make any demand under any name, or upon any pretence whatever, and that the Cortes alone are competent (in case of necessity) to raise Loans upon the National Credit:" but, in so urgent a case, I considered myself justified in rather dispensing with an Article of the Constitution, than in hazarding the destruction of my Country; and as, in so doing, I acted with the approbation and consent of the only popular Authority which existed, during the absence of the National Representation, I trust that the cool and mature judgment of the Cortes will be satisfied with my conduct, and give this measure the sanction necessary for ensuring its accomplishment.

II.—*Amount of the National Expenditure, or of the Estimates of the several Departments of Government.*

The altercations between our Kings and their Subjects, with respect to the reduction of the National Expenditure, are almost as ancient as the Monarchy itself. From the commencement of the Restoration to the beginning of the 18th Century, the Cortes exercised the strictest vigilance, in controlling the disbursements of the Treasury, and in reducing those Taxes which they considered as oppressive to the Contributors; in fact, numerous instances are to be met with in the History of Spain, of urgent solicitations for supplies, on the part of the Monarch, of complaints of the People against useless and extravagant expenditures, and of repeated promises of reform from the Government.

The task I am now about to enter upon, of investigating the Public Expenditure, is as invidious as it is difficult,—its effect being nothing less than to restrain the exaggerated pretensions of ambition, and to force men to compare themselves with those who labour to maintain them, and to ask themselves, in the energetic language of the great Sully, "*Do our deeds really deserve the sweat of so many People?*" But, Gentlemen, the noble desire of accomplishing the welfare of our beloved Country, by diminishing the public burthens, and proportioning them to the means of those who have to support them, inspires us with a courage which we have never before experienced; and we shall proceed with unsparing hands to cut off all abuses, in order that those who make the sacrifices may at least have the consolation of knowing, that what they have earned by the sweat of their brow is not lavished upon extravagance, vanity, and caprice.

Expenses of the Royal Family.

Sordid meanness and wasteful profusion being alike incompatible with the respect due to the Royal Authority, the medium between these extremes, by which, whilst a proper consideration is shewn for the feelings of the People, the just splendour of the Monarch is, at the

same time, maintained, is the best rule to be observed in fixing the amount of the Royal Expenditure.

It was under this impression, that Articles CCXIII and CCXIV, Chap. 5, Tit. 4, of the Constitution,* provide, "that the Cortes shall fix such an annual allowance to His Majesty as shall be suitable to the high dignity of his Person," and that "all the Royal Palaces used by his Predecessors, as well as the lands appropriated by the Cortes for the recreation of his Royal Person, should be assigned to him."

Conformably to these provisions of the Constitutional Act, the Ordinary Cortes, by their Decree of the 19th of April, 1814, taking into consideration the state of the Nation, and the splendour and dignity of the Monarchy, also assigned the sum of 40,000,000 reals, as the annual allowance for the Royal Family: it being declared that this sum was to cover and satisfy all the ordinary and extraordinary expenses of the palace, bed chamber, and chapel; of the stable; of furniture, tapestry, wardrobe, and jewelry; and of all alms, and gifts, and gratuities, to deserving servants, to the poor and to religious communities; as also the expenses for the repair and preservation of the Palaces and Pleasure Grounds, used for the recreation of the August Members of the Royal Family;—the payment of the allowances of the Infantes, the salaries of the Secretaries of State, the pay of the Royal Guard, and of other Officers not in the immediate Service of His Majesty, being reserved for the Public Treasury. By the above mentioned Decree of the 19th April, 1814, the annual amount of 150,000 ducats was also assigned to each of the Infantes.

By comparing the present sum fixed for the Royal Expenditure with the Sums drawn from the Public Treasury by preceding Monarchs, who had an uncontrolled power over it, the advantages of the new system will be manifest. In the time of Don Philip III, they amounted to 2,581,106 ducats;—in that of Philip V. to 35,605,020 reals;—in that of Ferdinand VI. to 41,000,000.; in that of Charles III. to 91,000,000; and to more than 100,000,000 in that of Charles IV.:—while the present allowance to the Royal Family will amount only to 43,300,000 reals, or nearly the same as the expenditure in the time of Ferdinand VI. According to one of the Articles of the Constitution, the Allowances to the Royal Family are to be permanently fixed at the commencement of each Reign; and there are now three points which, from their not having been anticipated by the Constitution itself, or provided for by the Laws emanating from it, deserve the consideration of the Congress.

The Question is, whether the following shall be comprehended in those allowances:

1. The annual payment of the sums which, according to the Mar-

* See Page 262.

riage Treaties with Saxony and Portugal, have been assigned to the Queen and the Infantas; viz.

	Reals.
To Her Majesty the Queen.....	640,000
To the Infanta Donna Maria Francisca de Asis.....	550,000
To the Infanta Donna Luisa Carlota.....	600,000
	<hr/>
Total...Reals	1,790,000
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2°. Under the Head of "Allowances to the Infantes of Spain during their minority," that of the Son of the Infante Don Carlos; he having been born previously to His Majesty taking the oath to the Constitution.

3°. Under the Head of "Allowances to to the Infantes," those of their Children; Article CCIV of the Constitution having declared, "that the Sons and Daughters only of the King, and of the Prince of Asturias, are and shall be called Infantes of the Spains, without that title being extended to any others."

The splendour of the Throne, respect for the Royal Family, and the generosity of the Nation,—all require that such provision should be made for these illustrious Scions of the Royal stock, as the Cortes may consider befitting their exalted station.

Ministry of State.

At the period of our power and military glory, there was no regular Diplomatic Body, and the maintenance of Ambassadors was little onerous to the Treasury; but in proportion as the limits of the Spanish Monarchy in Europe were contracted, and as the politics of the different Cabinets rendered the frequent residence of Ambassadors and other Ministers at Foreign Courts necessary, those employments which had been formerly considered only as temporary, became permanent;—and the expenses incident to the Diplomatic Body have varied under different Monarchs from 5,000,000 to 38,000,000 reals per Annum.

Without attempting to deny the necessity of employing Ambassadors and other Ministers at Foreign Courts, it will be evident, that both their numbers and appointments should be regulated by the strictest necessity. The present amount of the expenses of this Department of the State, is estimated at 24,486,700 reals.

Ministry of the Government of the Peninsula and of the adjacent Islands.

According to the estimates formed by the Secretary of State, the expenses of this Department amount to the sum of 7,738,375 reals, and are not susceptible of any reduction.

In aid of the funds appropriated in the estimates to the promotion of agriculture and trade, it is recommended to apply, exclusively,

to that object, various taxes, &c., viz: those upon provisions exposed for sale; the net value of vacant Bishopricks; and the proceeds from the Canals of Castile and Arragon; together with the property belonging to the Institution for Pious Works, to which Institution may be added others of public utility.

It is also recommended, that the Institutions of Benevolence and Charity should employ their funds in the manufacture of cloths and linen for the use of the Army. The wool and oil received by the Treasury in part payment of the national revenues, might also be applied to the same purpose, by which means the Troops would be constantly provided with the necessary clothing, and a great saving effected to the Government.

Ministry of the Government of the Colonies.

The expenses, according to the Estimate forwarded to me by the Secretary of State, amount to the sum of 1,368,235 reals, being less than that of the year 1814 by 400,000 reals.

Ministry of Justice.

Our ancient regulations, which suffered the Ministers of Justice to languish in penury and want, and thereby exposed their integrity to temptations, and estranged them from those principles of honour which should form the basis of their character, have happily been remedied by the wisdom of the Cortes. The amount destined to the payment of those worthy Members of the State, is 23,789,689 reals, from which no reduction can be made, unless it be by withholding salaries from such Magistrates as are Ecclesiastics in the enjoyment of lucrative Prebends.

MINISTRY OF FINANCE.

In order the better to exhibit the charge of this Department, it is thought proper to divide its expenses into three parts, viz.

1. Those of the collection and administration.
2. Those of the management and application of the Revenue.
3. The Extraordinary Expenses.

1.—*Expenses of the Collection and Administration of the Revenue.*

Were the Ministry in possession, as it ought to be, of clear and correct Accounts of the taxes and contributions, and of the expenses of collection, my observations would have all the exactness that I could desire, or the Congress expect; but, in the absence of them, we must be guided by the results of the incomplete Documents available to us, and by such as could be hastily collected in the short time which has been allowed for so difficult a task. From these *data* it appears, that the total number of Persons employed in the administration and collection of the Taxes and Revenues of the State, which are under the controul of the Finance Department, is 5,432, and the amount of their Salaries

25,798,103 reals; and that the number of Persons in the Revenue Guard is 7,629,—their Salaries being 24,088,579 reals.

Number of Employés in these two Services	13,061
Number of Employés in other branches	455

Total of Employés.....	13,516
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	Reals.
Amount of Salaries in the two Services	49,886,682
Amount of Salaries in other branches	4,338,503

Total of Salaries.....	Reals 54,225,185
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The Amount of Expenses, according to a Statement dated 27th May last, upon an Average of 5 Years, from 1814 to 1819, was

1814 to 1819, was	Reals. 95,219,316
The Amount of Salaries, as above.....	54,225,185

Total Expense.....	Reals 149,444,501
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This Sum is upwards of 23 per cent. upon the gross Amount of the Revenue. Congress will perceive that this branch will, therefore, admit of much reduction. With this view, the Boards of Revenue, which, in various Provinces were divided into 3, and in some into 4, Departments, have now been consolidated into one; which, together with many other minor suppressions, will effect a saving of upwards of 10,000,000 reals in Salaries alone.

It will be advisable, both for the sake of economy, and in order to stimulate the activity of the Employés, that the Salaries of the Administrators and their Subalterns should be fixed at a certain per-centage upon the net amounts paid into the Treasuries, and upon the arrears recovered.

2.—*Expenses of the Management and Application of the Revenue.*

The admirable simplicity of the Constitutional System, among other advantages, has produced that of suppressing various Departments into which the Exchequer was formerly divided, by which a saving of not less than 5,849,962 reals has been effected. The Salaries of the existing Officers of the Superior Board of Administration amount to 10,285,491 reals.

3.—*Extraordinary Expenses.*

Pensions of Retired and Superannuated Officers.

The political changes which have occurred in Spain within the last 12 years, have greatly increased the number of these Claimants.

From the Statements in my possession, it appears that the total number of those connected with the Revenue Branch alone is 1,049.

	Reals.
The Amount of their Pensions is	10,076,715
That of the Civil Branch is.....	11,586,132
That of the Military Branch is.....	30,812,668

Making the Total Annual Amount of Pensions...Reals 52,475,515

This amount will be still further increased by the inevitable operation of the reforms in progress; and an endeavour will be made to economize, without incurring the charge of an insensibility to the wants and claims of deserving Servants of the Public. The only mode which can be confidently recommended in future, is to regulate the retiring Pensions by the number of years' service. It is also proposed, that all retired and Superannuated Officers, including those of the Army and Navy, shall be permitted to sell their Annuities to Government, for such sums as by the Tables of Mortality are shown to be equivalent to the probabilities of life.

Allowances and Rewards.

The Treasury Accounts of the last years of the preceding Reign, afford abundant matter for serious reflection. By them we find that the expense of Allowances and Rewards amounted to the sum of 14,816,418 Reals.

The names of many of the Pensioners, and the services for which they received their Allowances, convince us that, in most cases, favoritism was the only principle upon which they were bestowed. In order that the Cortes may pursue with effect the salutary work of reform in the removal of such crying abuses, it is necessary that each of the Ministers should present to the Finance Committee, or to such Commission as the Congress may appoint, a full Statement of all the Allowances and Rewards attached to his Department, together with the services for which they were originally granted.

Alms.

It was a true saying of Don Alphonso the Wise, "that liberality is a great virtue in every wealthy Man, and especially in the King, when it is seasonably and justly exercised."

Now this virtue cannot be said to have been seasonably and justly exercised in the last years of the Reign of Charles IV., when no less a sum than 2,749,649 reals, besides immense quantities of wheat, were in one year bestowed as alms upon Congregations, Chapels, and Church Festivals, at a time when the public Treasuries were almost exhausted, and the People sinking under the pressure of Taxation. Nor was this all. As the whole of the proceeds of the vacant Bishoprics; of the *Espolios*; of the Lent indulgences; and a part of the Post Revenue, &c.

were also devoted to this object; it is calculated that no less a sum than 8,000,000 reals has thus been annually expended, with little or no advantage to the Public.

As there are many public Funds in Spain, specially destined to the relief of the indigent, it would be better to place those Funds at the disposal of the Government, to be distributed in favour of the unfortunate, according to certain regulations hereafter to be introduced; it being declared, at the same time, that the public Treasury should be exonerated from the payment of all alms whatsoever.

Unforeseen Expenses.

As in the time of peace many urgent expenses occur, of which it is impossible for the Government to form an estimate, it will be necessary to assign a sufficient sum to meet them; due attention being always paid to economy. This sum may be fixed at 20,000,000 reals annually.

Expenses of Criminals confined in the Garrisons, or banished.

These amount to the annual sum of 5,000,000 reals.

Payment of the Foreign Debt.

The General and Extraordinary Cortes having declared that the payment of the Foreign Debt belongs to the General Treasury, and not to the Public Credit, we must consider it as entering among the obligations of the former. That to Holland is in course of liquidation; and as the amount of the interest, 15,000,000 reals, is a payment which the honour of the Spanish Nation is pledged punctually to discharge, I shall shortly present to the Congress for its approval the financial arrangements I have made for that object.

Payment of Arrears.

The fatal disproportion which has, for the last 6 years, existed between the receipts of, and the claims upon, the Treasury, has formed a public Debt amounting to no less a sum than 900,000,000 reals.

As both justice and policy forbid any measure which, under the pretence of relieving the State, would be nothing less than an authorized robbery of the Public Creditor; and as the immense amount of the Debt precludes the possibility of paying it off in specie, without greatly increasing the present taxes, it is proposed that, without prejudice to the Vouchers of the Debt being received as legal tenders in the purchase of national lands, and in the redemption of the land-tax to be paid by the purchasers, one-half of all the arrears of taxes and contributions, up to the 31st of December, 1819, received in specie, be applied towards its liquidation; and that 20,000,000 reals be annually destined to satisfy the Creditors; proceeding according to the dates of each claim, and giving the preference to those who make voluntary reductions in the total amount of their demands. After all deductions of expenses, salaries, &c. this charge may be estimated at 87,000,000 reals.

Ministry of War.

According to the *data* and Documents forwarded to me by the Minister of War, the amount of the expenses of this branch of the public service is estimated at 375,020,098 reals.

In the above estimate are reckoned, as the active force of the Army, 82,438 Infantry, and 11,833 Cavalry; 32,829 Provincial Militia; 3,533 of fixed Companies, and 416 in Colleges and Academies.—Total 119,216 men.

Ministry of Marine.

Although the necessity of providing for the security of the extended Territory of Spain, may have justified the expenses occasioned by keeping up the powerful and numerous Fleet which our situation required, yet the Spanish Navy did not attain its greatest glory until the memorable Reigns of Ferdinand VI. and Charles III.: it fell off in some degree under Charles IV. ; and at the close of the noble and heroic struggle, maintained from the year 1808 to that of 1814 against the ambitious tyranny of Napoleon, it was reduced to a situation, scarcely less deplorable than that in which it stood at the death of Charles II.

By the Accounts of the Secretary of this Department, it appears that 100,000,000 reals will be necessary to supply its wants, and that that sum will be applied as follows :

	Reals.
For personal charges, such as pay, &c.	73,928,843
For the <i>materiel</i>	22,469,785
For the purchase of wood, nails, and other stores for the arsenals	3,601,372
Total.....Reals	<u>100,000,000</u>

Recapitulation of the Annual Amount of the Public Expenditure of the Spanish Nation.

	Reals.
Royal Family	45,300,000
Ministry of State.....	24,186,700
Ministry of the Government of the Peninsula.....	7,738,375
do. do of the Colonies	1,368,235
do. of Justice.....	19,502,823
do. of Finance.....	87,000,000
do. of War.....	375,020,098
do. of Marine	100,000,000
Total.....Reals	<u>660,116,231</u>

III.—Amount of the Public Revenues of the Nation.

Such is the confusion which has hitherto pervaded the administration of the Spanish Finances, that sufficient data actually does not exist

for ascertaining the real produce of the public taxes and contributions.

According to the Accounts drawn up by the Offices of the ancient Board of Taxes, and by the Treasury General, which are most to be relied upon, the total amount of all the branches of the public Revenue, in the 5 years from 1788 to 1792, averaged 644,206,636 reals, whilst the average of the 5 years, from 1793 to 1797, was 1,122,213,726 reals.

After making various necessary deductions, amounting in the first period to 142,916,218 reals, and in the second to 626,957,210 reals, there remains as the net produce of the taxes, contributions, &c. of the State in the first period, the sum of 501,290,418 reals, and in the second 495,256,552 reals.

From Statements in my possession of the amount of the taxes, in the two periods of 5 years each, from 1803 to 1807, and from 1814 to 1818, prepared in consequence of a Royal Order of the 1st May, 1819, the following results appear:

	Reals.
Net produce of the <i>Excusado</i> tax, for the two periods.	20,612,152
do. of the <i>Noveno</i> , for the two periods	23,380,192
do. of the <i>Cruzada</i> , for the two periods	40,951,268
do. of the old Lottery, for the two periods	6,134,234
do. of the new Lottery, for the latter period of 5 years.....	4,947,130
do. of the <i>Lanzas</i> tax, for the latter period	1,812,090
do. of the <i>Media Anata</i> of the Grantees and titled Persons, for the latter period	783,812
do. of the <i>Media Anata</i> of public Officers, &c. for the latter period	1,598,422
do. of the <i>Quindenios</i> of Towns and Corporations, for each period of 5 years	53,281

From another Account of all the taxes, expenses, charges, &c. it appears that, in 1817, the net produce amounted as follows:

	Reals.
Taxes in general	76,168,916
Port Duties and Contributions	300,301,165
Tobacco	66,321,795
Salt	47,442,198
Stamps	14,582,548
<i>Siete Rentillas</i>	4,706,555
<i>Noveno</i>	24,572,619
<i>Excusado</i>	21,833,224
<i>Tercias Reales</i>	10,394,500

Total...Reals 566,323,523

The Proceeds of the Customs, General Contributions, Taxes upon Tobacco, Salt mines, stamps, saltpetre, and sulphur, for the 5 years from 1815 to 1820, amounted to	Reals. 526,494,090
The Expenses and Charges of Collection, &c.....	95,219,316
Net produce..Reals	<u>431,274,774</u>

Having before mentioned the impossibility of arriving at any certain result, respecting the actual proceeds of each branch of the Public Revenue, I shall proceed to lay before the Cortes an approximate Statement, by which some idea may be formed of what may be reckoned upon for the next Year.

DIRECT CONTRIBUTIONS.	Reals.
Subsidy of the Clergy	25,000,000
<i>Excusado</i>	20,000,000
<i>Noveno</i>	20,000,000
<i>Tercias Reales</i>	11,000,000
Contribution of the Bishops	6,000,000
Half of the Lent Indulgence	700,000
Vacant Bishoprics and <i>Espolios</i>	1,600,000
Ecclesiastical <i>Medias Anatas</i>	1,025,000
Civil do. do.	1,100,000
<i>Regalio de Aposento</i> in Madrid	300,000
<i>Lanzas</i>	3,500,000
Redemption of Captives	350,904
<i>Penas de Camara</i>	1,000,000
<i>Efectos de la Camara</i>	1,500,000
Total...Reals	<u>93,075,904</u>

INDIRECT CONTRIBUTIONS.	Reals.
Bull of the <i>Santa Cruzada</i>	16,000,000
Customs, (On account of the depressed state of our Commerce,) not more than.....	90,000,000
Tobacco	40,000,000
Salt works	84,000,000
Gunpowder, saltpetre, sulphur, quicksilver, and <i>rentillas</i>	1,000,000
Wools, (in consequence of the preference given Abroad to the Saxon,) not more than.....	10,000,000
Post Office	10,096,040
Old and New Lotteries	9,000,000
Stamps.....	14,000,000
Total...Reals	<u>224,096,040</u>

Proceeds of National Property.

The Government manufactories, viz., those of cloth at Guadalajara and Brihuega, and that of glass at St. Ildefonso, produce absolutely nothing.

The Net proceeds of the National printing press are estimated at	Reals. 131,105
Those of the quicksilver mines at Almaden, at	7,443,640
Those of the lead mines, at	5,000,000
Those of the Segura Timber, at	414,785
Those of the copper mine of Rio Tinto, at	338,759
Those of the <i>Mostrencos</i> (or unclaimed property) at	431,752
Those of the Royal patrimony of Valencia, Catalonia and Majorca, at	4,000,000

Mints.

In the years 1815 and 1816, the net profits from the Madrid and Seville Mints were	Reals. 2,767,641
In the 5 years from 1815 to 1820, the net profits from the Seville Mint were	1,348,950
But, in the 3 years from 1817 to 1819, the operations of those Mints were conducted at a loss of 549,587 Reals; and that of Segovia, in the 5 years from 1815 to 1820, at a loss of 25,373 Reals.	

The approximative proceeds of various extraordinary branches of Revenue are estimated at	Reals. 20,000,000
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Indian Revenues.

The surplus Revenues transmitted yearly from our Indian Possessions to the Spanish Treasury, were by no means so considerable as is generally supposed. From the Treasury Accounts we find, that this source supplied :

	Reals.
In the year 1793	141,727,551
1794	195,717,966
1795	138,764,376
1796	236,895,997
1797	12,360,128
1798	131,748,080
1802	250,195,267
1803	240,260,410
1804	291,191,370
1805	50,073,360
1806	40,820,361
Averaging per year	182,975,486

IV.—*Amount of the National Revenue and Expenditure.
Deficit, and means to be employed for covering it.*

From what has been stated, it will be evident that prudence requires us to deduct from the net approximative proceeds of the taxes, contri-

butions, &c., the amounts of such as are to be abolished, of others that will be applied exclusively to the public credit, and that part of those which has been reserved for the repayment of the 40,000,000, which will reduce those proceeds to 320,066,000
 The Amount of the Public Expenditure is estimated at 660,116,231

The Deficiency will, therefore, amount to ... Reals 340,050,231

This Deficit will require to be supplied.

From the details of authentic Documents, I am fully persuaded that, for Religious purposes, and for the Public Service, together, no less a Sum is annually drawn from the mass of the Nation than 900,000,000 reals, and yet this Sum must be further increased, to provide for the above deficiency of 340,050,231 reals. Lamentably as we are situated, in not being enabled by circumstances to alter the system of taxation, we can yet testify our sensibility for those who have to pay the money, by lessening as much as possible the burthen of the *Direct Contributions* for 1821, which it is proposed to reduce to 140,000,000 reals, a sum less by 163,000,000 reals than that of the present year, including the port duties, and less, by upwards of 6,000,000, than that which was raised in the years preceding those of the last War. Hence we may take it for granted, that the net proceeds from all the branches of our Revenue will amount to 460,000,000
 The amount of our Expenditure is estimated at 660,116,231

The Deficit which will then remain is, therefore, Reals 200,116,231

To cover that Deficit, it is proposed :

- 1°. To enforce the payment of all Sums due to the Public Revenue.
- 2°. To direct the Government of the Island of Cuba to remit to Spain the proceeds from various sources, to be hereafter named.
- 3°. To order to be paid into the General Treasury, the proceeds from Estates, &c. appropriated to the public credit, by the Decrees of the Cortes.
- 4°. To cause to be paid into the General Treasury, the 7th part of all Ecclesiastical property, Convents, Communities, &c., agreeably to the Brief of his Holiness, of the 12th December, 1806.
- 5°. To apply to the same purpose, the amount of such property and claims as may fall into the hands of the State by reversion.
- 6°. To sell the lesser Fortresses. (*Presidios.*)
- 7°. To raise a Loan to supply the deficiency.

By the resources mentioned in § 2, 3, and 4, together with the produce of the mines of Almaden, we shall secure the payment of the interest, and the gradual extinction of the capital, of the Loan of

200,000,000 reals, which I consider it expedient to raise, either at home or abroad, upon equitable terms ; the particulars of which, when sufficiently matured, shall be submitted to the Cortes for their approval.

Lastly, among the other most efficacious means of enriching the Treasury, without an undue pressure upon the People, is the amendment to be introduced in the system of taxation, of which I propose to treat in the following Section :

V.—Difficulties which oppose the reformation of the Spanish Finances.

If our financial system were based upon the solid foundation of economy, it would be rashness to attempt its reform, but the fact, unfortunately, is far otherwise, and the very magnitude of the disorder stimulates us to undertake the difficult but important task of remedying it. Without producing a long list of abuses, the enumeration of which would startle even those who are best acquainted with mal-administration, it will be sufficient to observe, that the Spanish Finances present the picture of a body composed of the most heterogeneous elements. The *Penas de Camara* were derived from the Roman Emperors, who stained the Imperial purple with their crimes. The *pechas*, *yantares* and *regalia de aposento* are of feudal origin. The *abuela*, the *aduanas*, and the *alcabalas*, we owe to the Moors. The *lanzas* are a remnant of the military system of the middle ages. The *papel sellado*, the *santa bula*, the *excusado*, and the *tercias*, were extraordinary imposts of which different Monarchs availed themselves to enrich their coffers, and which, although intended at first to be temporary, failed not, as is usually the case, to become permanent.

The necessity of regulating the system of Finance has engaged the attention of almost every Monarch from Charles I. down to the present day, but their endeavours have been almost always limited to trifling reforms, and have consequently proved nugatory.

Nothing could be more just than the principle of Ensenada, "that the taxes raised should be proportioned to the means of the payer;" and yet, in spite of the rectitude of his intentions, the utmost difficulty was found in the introduction of the *catastro* (a species of property-tax), owing to the opposition of those who were interested in the maintenance of corruption and abuses,—the want either of ability or of honesty in those entrusted with its execution,—and the jealousy and mistrust with which this tax was generally received.

The result of the introduction of the *catastro* will also prove, how necessary it is to consult the opinions and habits of the People, before subjecting them to the operation of any new plan of political economy. Whilst the Inhabitants of the 22 Provinces of Castile and Leon pertinaciously resisted the imposition of this tax, and even perpetuated their hatred of it in popular songs, those of Arragon, from a conviction of

its expediency, received it with approbation, and in this they were imitated by the Catalans and Valencians, who, having been brought up under the protecting influence of a free legislation, were accustomed to this mode of contribution, and submitted to it the more readily, because it reminded them of their ancient Laws and venerable customs.

In zealously entering upon the reform of the Finances, by adapting them to the principles of sound morality, political economy, and constitutional law, we must prepare ourselves for encountering the prejudices of the People, and the strenuous opposition of all who are interested in existing abuses.

To these difficulties may also be added those produced by the present peculiar situation of our Peninsula,—the discouragement shown to any plan which, by diminishing the number of public employments, disappoints the hopes of Parties interested in procuring situations for their relatives,—the united opposition of all who hold offices, which are marked out for reformation,—and last, though not least, the ill-will of the Clergy, who generally designate by the worst epithets, those who are desirous of making them contribute to the exigencies of the State, in proportion to the advantage they derive from it, and the amount of their temporalities.

The immutable lessons of experience teach us, that no project or plan of Finance, which is conceived, concocted and sanctioned, within the mysterious recesses of the Cabinet, can survive its author, or acquire the stability which is indispensably requisite for producing beneficial results; and that the Cortes alone have the power, firmly and effectually, to establish that Financial System which has been so long the object of our anxiety and labours. The Cortes only can achieve this glorious work; and, assembled as they now are, and invited to apply a remedy to the sufferings of the Country, no obstacles will be found to oppose the consummation of the People's wish.

On the necessity of ascertaining the internal state of the Nation, as a basis for a just and useful system of Finance.

A system of Finance should be complete in all its economical, judicial, and political, bearings, because these being intimately connected with each other, and with the sources whence riches are derived, the reformation of the taxes themselves would be of little avail, if abuses were suffered to remain in the other branches.

To effect a durable reform in the system of Finance, all the parts composing it must be known, the grand principles which conduct to the prosperity of the Nation established, and the ameliorations intended to be made adapted to them, in order that the system may appear, as it were, animated with one mind, and that the unity of ideas may give to the work that consistency which, while it ensures success, does honour to the directing hand.

No consistent plan of Finance, however, can be effected without an adequate acquaintance with the internal state of the Country. Without information, approximate at least to the truth, as to the number and classes of the Inhabitants, of the proportion between the operatives and the rest of the population, of the state of agriculture and trade, and of the poverty or opulence of the towns,—how would it be possible, to proportion the public expenditure, and, consequently, the taxes, with the means of the Nation?—to appreciate the effect of the existing burthens upon the People, and to adopt measures for correcting them, if mischievous?—or to devise the new taxes which may be proper, to replace such as it may be found expedient to discontinue? I will not disguise how difficult it is in Spain to obtain such information, in consequence of the indifference with which we have hitherto regarded the important science of political economy; but from the imperfect Documents which we possess, it appears:

1st. That, the produce of agriculture is infinitely below what ought to be expected from the superior fertility of our soil.

2d. That trade is in a declining state, and that the charge for labour adds two-thirds to the cost of the raw material.

3d. That our internal and external commerce is equally languishing and depressed.

4th. That, with regard to the population, (which is always in the ratio of its means of subsistence,) there are only to be found in Spain, within an extent of 15,000 square leagues, 21,200 towns, 1,949,577 habitable houses,—2,108,222 families, and 10,541,221 inhabitants;—four individuals being supported by the labour of one. This deplorable state of things has been, in a great measure, produced by the ravages and devastation suffered by this ill-fated Country during its struggle with Napoleon; and, although it is impossible to obtain accounts at all approaching the truth, of the spoliations inflicted upon the capitalists, the sacred temples, the land-owners, and even the day-labourers, by the rapacity of the invaders, it will be no exaggeration to state, that these afflictions have reduced the net annual value of the property of the Nation to 4,000,000,000 reals.

Results consequent upon the knowledge of the situation of Spain, for the purpose of establishing the basis of the System of Finance.

The declining state of the Country requires soothing measures, rather than fresh sacrifices, in order to its renovation, and to enable it to maintain its distinguished rank amongst Nations. The Spanish Government, waiving every other consideration, should occupy itself in healing the wounds which Spain has received from its implacable enemies. Its firm resolution should be to maintain a durable peace. Internal amelioration must accompany external tranquillity.

The pacific system must also be extended to the Ultra-marine Provinces.

The Government must, by every means in its power, promote, protect, and foster industry, and discourage idleness.

The pecuniary sacrifices of the People must not be determined by the amount of the expenses of the Treasury, but by an amount corresponding with the capabilities of the tax payers.

As before shown, the branches of our Revenue will consist of *Direct and Indirect Taxes*, and of *Property belonging to the State*.

To the Direct Taxes belong :

The annual Contributions drawn from the national wealth, without distinction of its possessors—the subsidy of 25,000,000 paid by the Clergy,—the *Excusado*, the *Noveno* and the *Tercias*,—the *Mitras*, the *Espolios*, and the *vacant Bishoprics*,—the *Ecclesiastical Mesadas*,—the *Medias Anatas*,—the *Lanzas*,—the *Regalia de Aposento*,—and the *Penas de Camara*.

To the Indirect Taxes belong :

The *Bula de la Cruzada*, the Customs, the Tobacco, and the Salt mines : the revenues from gunpowder, lead, sulphur, quicksilver, the *rentillas*, wools, the Post Office, Lotteries, and Stamps.

The Property belonging to the State consists of :

The cloth manufactories of Guadalajara and Brihuega ; those of silk at Talavera, and of glass at St. Ildefonso ; that part of the grounds belonging to the Royal Palaces, which is not necessary for the recreation of the Royal Family ; the patrimony of Valencia, Catalonia, Majorca, Valladolid, and Seville ; the mines of Almaden ; the lead mines ; the property and funds appropriated to the redemption of Captives ; the copper mines of Rio Tinto ; the timber of Segura ; the property belonging to the suppressed Inquisition ; certain buildings in Madrid, viz. the glass warehouse, the Building in the street *Del Turco*, and the Old Custom-House ; the *Mostrencos* ; the *Maestrazgos* ; the Mints ; and the property falling into the State by reversions.

The branches of our Revenue, being thus composed of *Direct and Indirect Contributions*, and *Property of the State* ; the principles to be acted upon with regard to them will be the following :

That the People contribute in proportion to their ability.

That in the selection of the Impost care be taken not to injure the sources of wealth.

That the direct and indirect Taxes be not made to interfere with the undertakings of the People.

That Taxes upon articles of consumption be avoided as destructive of wealth.

That the utmost simplicity be observed in the mode of collection.

Having laid down these principles, I shall proceed to give my opinion upon the ameliorations which may be introduced into the present system of taxation.

DIRECT TAXES.

Objects subjected to them.—The property of every Individual in society, without any exception whatsoever, or rather the total wealth of the Peninsula and the adjacent Islands.

General Contribution.

The immense expenses occasioned by the numerous Army maintained by us in 1813, caused this tax to amount to the sum of 516,864,322 reals.

Assessment and Collection.—By Articles CCCXXI and CCCXXXV of the Constitution,* the Provincial Deputation, composed of Citizens freely chosen, are empowered to assess and enforce the quota of the tax decreed for the Provinces; but, owing to various obstacles and difficulties, this power was taken out of their hands by His Majesty's Decree of 30th May, 1817, which substituted a *general contribution* upon the Clergy and the People, and another upon articles of consumption.

Objects upon which this Tax falls.—Upon the property of the Citizen, whether derived from land, trade, manufactures, or commerce.

Persons affected by it.—All the Individuals of the Spanish Nation, both Ecclesiastics and Laymen.

Present amount of the Tax.—249,230,670 reals.

Direct contribution of the Clergy.—Amount, as before stated, 25,000,000 reals.

Port Duties.

These fall upon all goods, fruits, and merchandize, introduced for the consumption of the Capitals of Provinces, conformably to the regular Tariffs. Its estimated amount is 54,889,779 reals.

One of the causes of the partial failure of the direct tax, was the employment of the word *riqueza* by the Cortes to designate the species of property which was to contribute to it;—the term being so indefinite as to allow great opportunities for evasion.

The General Tax, which is still in operation, although based nearly upon the same grounds as that established by the Cortes, has produced, in practice, equal if not greater mischiefs than the former one. The assessment having been made in great haste, and without the necessary *data*, destroyed the sound principle that each Individual should contribute in proportion to the profits he obtained.

Still greater inconveniences are to be found in the *Derechos de puertas de las Capitales y puertos habilitados*;—for these duties not only invalidate the principle adopted as the basis of the *General Tax*, viz. "that each Individual should contribute in proportion to his property," but also cause the injustice of making the owner of the articles for consumption pay the same Tax twice; once at the place of production, and again upon entering the town in which he resides. The remedies proposed for these evils are:

* See Pages 272 and 274.

That the *Direct Tax* be levied upon the wealth produced by the 3 branches of agriculture, trade, and commerce, distinguishing the quotas upon each.

That for the first, the tax be raised by a fixed sum per quantity.

That the tax be made to fall more heavily upon mortmain than upon other property, and less heavily upon that cultivated by the owners themselves, than upon that held by tenants.

That the same rule be observed with respect to houses, flocks, and herds.

That with respect to the *Direct Tax* upon trade and commerce, the Members of each Corporation or Town be empowered to apportion the quotas.

That the *Direct Tax* be levied from January, 1821.

That, in the mean time, the collection of the *General Tax* be continued, with the deduction of 15 per cent. in favour of the first payers.

That the Clergy, on account of the *Direct Tax* upon Tithes, continue to pay the subsidy of 25,000,000 reals.

That the *Direct Tax* upon the salaries of public Officers be levied in one of the three following ways :

1. By levying it in the same proportion with the other classes :
2. By making a deduction of 4 per cent. from incomes of above 12,000 reals :
3. By establishing the scale approved of in 1810 by the Central Junta.

Of the Rentas Decimales.

The lamentable experience of the effects of the Concordats entered into in 1815 with the Holy Churches, and the arrears already due upon the 25,000,000 reals of the ecclesiastical subsidy, which arrears now amount to 40,000,000, dissuade me from proposing to the Cortes the otherwise useful measure of abolishing the *Excusado*, *Tercias*, *Noveno*, and *Subsidio* Taxes, and levying a certain fixed sum upon the Clergy ; but in lieu of that measure, I propose to rescind the existing contracts between the Churches and the Finance Department. And, to expedite the collection of the *Noveno*, *Excusado*, *Tercias*, and *Subsidio* Taxes, I propose that the Judicial be separated from the Administrative part, leaving to the latter the duty of collecting the public taxes, and erecting the former into a mixed Tribunal, superior to that of the First Instance, which shall be established in the Provinces for the decision of any Suits that may arise.

INDIRECT TAXES.

Tobacco.

Shall this Tax remain upon its present footing, or shall the monopoly be abolished, leaving the cultivation and trade of this object of innocent recreation free and uncontrolled?—Such is the question to be finally determined by the Cortes.

The consideration, that Tobacco is a valuable article of our Colonial agriculture, capable of maintaining a superiority in the home and foreign markets;—the necessity of putting a stop to the confusion which results from the Nation having based one of its public taxes upon the ruin of its agriculture, converting the Government into a Merchant, and embarrassing itself with all the minute details of a complicated trade;—the imperative duty of relieving families who are harassed at this moment by judicial prosecutions at the suit of the monopoly, and of clearing the prisons of men who are considered as delinquents, owing to a mistaken policy;—the sacred obligation of fulfilling the Articles of the Constitutional Act, which secure public liberty, and the freedom of commerce, so incompatible with exclusive privileges;—the opinion of the People so energetically expressed against monopolies, whenever circumstances have left the Nation at liberty to express itself;—and, lastly, the Decree of the Ordinary Cortes of 17th March, 1814;—all incline in favour of the abolition of the monopoly.

Although it cannot be doubted that its abolition, by leaving to the uncontrolled speculation of the Public the cultivation and trade of Tobacco, and by imposing moderate duties upon the produce of our own territory, and heavier ones upon that of Foreigners, as is done with sugar, cocoa, and indigo, will promote competition, lower the price of our own produce, encourage its consumption, increase the receipts of the Treasury, and, at the same time, convert into useful members of society many who now pass their days in the horrors of a prison;—nevertheless, the falling off which would be experienced in the proceeds of the Tax, which must be supplied by a proportionate increase in the Direct Tax; and the consideration that the Duty upon Tobacco is, according to Necker, one of the mildest and the least felt, are arguments in favour of its continuance. Although formerly an advocate for freedom of trade, and still fully alive to the evils entailed by monopoly upon population and trade, I am deterred by the want of funds which the Treasury must in a short time experience; and, dreading the consequences which would inevitably ensue from an increase of direct taxation, am induced to propose, as a middle course;

That the monopoly shall continue, under the following regulations:

Leaving at liberty the cultivation and trade of Tobacco in the Colonial Possessions,—Ports of Entry shall be appointed in the Peninsula, at which the Revenue Department shall purchase sufficient quantities for consumption, and establish warehouses, in which the article shall be sold, at a price advantageous to all purchasers who may be disposed to retail it. The monopoly being continued upon its present footing, the wholesale price shall be lowered in all the Government warehouses, by which means, the temptation of profit being removed from other speculators, smuggling will be discouraged.

The price of snuff shall also be lowered, and measures adopted to favour its exportation.

All purchases of Brazil and Virginia tobacco shall be made by contract, and not by commission.

The utmost punctuality shall be observed in the exact fulfilment of all bargains.

Customs.

Although Nature has so admirably dispensed her favours, as to withhold from some Nations what she so liberally bestows upon others, in order that, all being dependent upon their respective industry, the human race may compose one immense family united by commerce, the policy of Cabinets has converted this excellent bond of union into a fatal instrument of ruin. Under the pretext of protecting trade, in order to increase their own wealth, they have clogged the import and export of produce by Duties, known amongst us by the name of *Rentas Generales*.

The assistance which, amidst the disorders of the feudal times, Monarchs afforded to the trading classes, in some degree justified the imposition of Duties upon the entrance or the exit of merchandize, and the flocks and herds which passed from Province to Province; but, owing to the mistaken notions of those who governed, and to other obvious causes, the Custom-houses were converted into Fortresses destructive of mercantile liberty, and producing material injury to the Governing Powers, who, forgetful of their true interests, looked upon them only as a valuable source of revenue, or as a convenient instrument for gratifying their revenge.

The Customs, considered as a return for the protection afforded to Commerce, or as an indemnification for the expenses incurred in favoring its operations, are a just demand; but, when they obstruct the circulation of the internal Commerce of the Country, interrupt the free intercourse of the People, and prevent the increase of the national wealth, the imposition can only be regarded as a pernicious remnant of feudal anarchy. The ideas of the European Cabinets, with respect to the Customs, underwent a great revolution at the time of the discoveries made in America and Asia. The great value of the produce discovered in those wealthy regions by the avaricious enterprize of man, stimulated the Monarchs to appropriate that produce exclusively to themselves. Hence the prohibitory Laws; the heavy Duties levied upon articles of Foreign Trade; the anxiety to monopolize all the arts; and the chimerical project of endeavouring to close the Ports to traffic; thus preventing the riches derived from agriculture, trade, and the precious metals, from finding that just distribution which should proportion them to the consumption. Commerce still meets with serious obstacles to its progress in the present system of the Customs, obstacles which are far from being compensated by the actual receipts of the Treasury; the Government having to pay a higher price

for the commodities it requires, and to incur considerable expenses for the salaries of its Officers, and for the prosecution of offenders: to say nothing of the encouragement given to smugglers, and the consumption of time, labour, talents, and industry, occasioned by the system.

The Agents of the Public Revenue have imagined, that a strict inquisition over, and jealousy of, commercial operations, the infinite variety and excessive weight of the Duties, and the multiplication of the prohibitory Laws, were strong enough to prevent the introduction of Foreign merchandize, and to favour that of the Nation; but the experience of many ages teaches us, that such measures, by paralyzing the business of commerce, diminish production, decrease wealth, and encourage fraud, without enriching the Treasury. The fierce rivalry of different Powers; their mistaken notions of economy and politics; the preponderance of some Cabinets; and the want of sufficient information; have greatly aggravated the evil.

With the view of establishing the interests of the Treasury, although at the expense of commerce, Governments formed Tariffs, the more effectually to accomplish their purpose; a work replete with difficulty, because to effect it with success would require an acquaintance with the natural sciences, political economy, diplomacy, commercial operations, agriculture, and the arts, far beyond any human capacity.

The Spanish Financiers of the 17th and beginning of the 18th centuries, owing to their confused ideas, multiplied the Duties, at the same time that they rendered the Tariffs still more complicated; to the great detriment of commerce, which suffered considerable vexations, until the wisdom of Charles III. conceived the excellent project of comprehending them all in one Tariff.

Although this measure corrected many of the mischiefs of our ancient system, not a few remained to neutralize its good effect. Since 1784, when the change took place, 36 years have passed away, whilst the items, for the most part, continue unaltered; hence many remain which fashion has long ago banished, whilst others, of modern invention, are not to be found in the list.

Prohibitory Laws of the Customs.

Have prohibitory Laws ever produced abundance? Do they increase the number of labourers, the harvests, and the value of cultivated lands? Quite the contrary. The last census shews only 871,937 labourers in a population of 11,000,000; whilst, as the produce of the grain harvest does not exceed 68,691,772 bushels, we have been compelled to import very considerable quantities from abroad.

By the commercial Returns from Cadiz, in the first 8 months of 1802, it appears that, notwithstanding the monopolizing privileges of our Manufacturers, the value of our exports of Woollens to Foreign Countries was only 570,000 reals, and of those to America 7,768,878 reals; whilst the value of the foreign manufactures which entered Spain

amounted to 40,500,000, and of those imported into America, 20,771,896; being a difference in the ratio of 8 to 60.

The tedious and complicated formalities to which our Custom-house system subjects the Trader, from the moment of his entering our Ports and Frontier Towns, until, by the payment of the Duties, he is permitted to sell his goods, deter the boldest man, and cause him either to abandon the trade of exchanging the productions of other Countries against those of Spain, or to have recourse to contraband speculations.

Although well aware of the opinions of modern economists upon the subject before me, and of the arguments they usually advance in opposition to my view of it; a conviction of the depressed state of our maritime Trade, and of the necessity of resuscitating it, by the revival of Commerce, compel me to submit to the Cortes the following alterations:

That Custom-houses be established upon the Frontiers and in the Ports.

That Counter-registries be established within 4 leagues of them for the prevention of fraud.

That all Ports fit for Commerce, be declared Ports of Deposit, under the regulations to be hereafter prescribed.

That Tariffs be abolished. Should this recommendation, however, not be approved, the Tariff formed by the Junta of Commerce shall be acted upon.

That the prohibitory Laws be annulled, or at least diminished.

That the Custom-house Duties be levied upon the amount of the Invoices.

That all the Custom-house Duties which are now paid, under different names, be reduced to a single Duty.

That the quota of the Duties be fixed upon the footing proposed by the Junta.

That the Duties upon the export of the produce of the national industry be lowered, or rather abolished.

That the Duties being once paid, and the Counter-registries passed, the goods be allowed to circulate freely without impediment.

That the diminution of Duties proposed to be made by the Junta of Aranceles, upon the exportation of goods under the National Flag, be carried into effect.

That in the event of these measures not being approved, those recommended by the before-mentioned Junta be acted upon.

Wool.

The declining state of this valuable portion of our Commerce requires that we should afford it every possible assistance by the reduction of the Duties. This being the only means of encouraging this valuable produce of our soil, I would recommend that one-third at least of the Duties upon the exportation of Wool be removed.

Salt Mines.

Nothing can better demonstrate the mischievous nature of this monopoly, than the regulations laid down for its management. Conformably to them:—the Government alone can extract salt from the salt pits or mines; and individuals must not supply themselves from any other Depôts than those of the Government, nor import it from Foreign Countries, under the penalty of forfeiting the salt itself, the waggons, baggage, mules, and vessels, and of imprisonment, if the delinquent be noble, and the gallies if he be not.

The use of saline waters is prohibited,—the punishment for disobedience being a fine of 200 ducats, and 4 years' banishment, for the first offence, and double for the second, with 4 years' imprisonment, if the offender be noble, and 6 years' condemnation to the gallies, if a plebeian;—the penalties being extended even to those who shall extract salt or brine from the mines abandoned by the Government.

The purchase of smuggled salt is punished by a fine of 20 ducats for the first offence; 50 for the second, with 2 years' banishment; and 200 ducats for the third, with 4 years' imprisonment.

The stealing of salt from the Magazines is punishable with 8 years' imprisonment, if the party be noble, and with 8 years' condemnation to the gallies, with 200 lashes, if of lower condition.

The changes I would propose are:—

1. That the Revenue Authorities sell the salt at moderate prices, near the pits, or in Depôts established in the Capitals of the Provinces, to whoever wishes to purchase, with full liberty to retail it.

2. That weight be substituted for measure.

3. That a Commission be appointed to inspect the salt mines, in order to ascertain their actual state, and to rectify anything that may be prejudicial to the working of them.

4. That the penal part of the Regulations under which this Revenue is administered be modified, and adapted to the principles of the Constitution.

Stamps.

The Statesmen with whom the Sovereigns of the House of Austria formerly shared the labours of the Treasury, and to whom the Crown is indebted for many of the Taxes, the Finance Department for many Volumes, and the People for many tears, were the inventors of this fiscal invention, which was established in 1636.

Although I am well aware that Stamps are an indirect tax, which at first sight appears almost an insensible one, yet it is pregnant with all the vices of inequality; for what a vast difference exists in the various descriptions of property disposed of by will, and yet one paper serves for all? The same Instrument also conveys his humble title to

a Magistrate, and his proud honours to a Duke; and, under the same stamp, the candidate for a poor Benefice of 200 ducats modestly hints at his deserts, and the rich Canon confidently asserts his claims to a Dignity of 100,000 dollars.

These and many other anomalies will continue to be found in the taxes, so long as philosophy does not penetrate into the mysteries of the Revenue. If in their establishment we look only to pecuniary advantages, all appears correct; but if we consider the influence they exercise over morality and the public convenience, how much reason have we to deplore the unhappy fate of Nations, who are at times sacrificed to the erroneous calculations of fiscal Agents? To remedy the evils of this branch of the Public Service, I would propose:—

That the price of stamps be regulated by the nature and quantity of the matter to which the instrument relates.

That all Corporations, Civil or Ecclesiastical, under whatever name, be required to draw up their documents and nominations upon stamped paper.

That a place for the printing of stamps be established at Valencia, or Barcelona.

Lotteries.

The Agents of the Treasury, being wholly occupied in devising means for raising money, and being as unmindful of the sacred tie which ought to exist between the governors and the governed, as they were insensible to the afflictions they might heap upon their Fellow Citizens, thought only of the means of increasing the fatal list of taxes.

Not content with imposing heavy duties upon articles of consumption, and making monopolies of the necessities of life, they went so far even as to convert the Government exclusively into gamblers; and whilst all gambling houses were strictly prohibited, and the parties frequenting them made liable to punishment,—Lotteries, which are neither more or less than games of chance, were resorted to by the Treasury as a source of Public Revenue.

The large profit which they yielded caused them to be adopted by the greater part of the civilized Nations of Europe. In Spain this method of raising supplies was not introduced till the year 1763, when the Roman Lottery was established; but the proceeds of it were applied to charitable purposes.

The evils which Lotteries produce amongst a population like that of Spain, where so great a scarcity of working hands prevails, are too obvious to need enumeration; but, although fully alive to this fact, I cannot venture to advise their suppression, considerable sums being raised by them, without any forced or direct taxation.

The following suggestions respecting them may, however, prove worthy of attention:

That the investigation of this branch of the Revenue be persevered in, with the view of simplifying its collection and reducing the immense number of Persons employed in it.

That, at a proper opportunity, the question be decided, whether the old lottery shall be separated from the new one.

That the profits be reduced to one-eighth part.

That the expenses be diminished as much as possible.

Gunpowder, Saltpetre, and Sulphur, Taxes.

The Revenue from these articles, which, as we have before seen, is small in amount, might be improved by adopting the following suggestions of the Junta of Finance :

To declare the manufacture and sale of Saltpetre free throughout Spain, both for consumption at home and for exportation.

To prohibit the introduction into the Peninsula of Saltpetre from other Countries, unless indispensably required for the manufacture of Gunpowder.

To sell the Sulphur by wholesale ; the Revenue Department retaining for its own benefit the Sulphur Mines of Hellin and Benaurel, leaving the home and exportation trade in the hands of such as choose to engage in it, and prohibiting Foreign importation.

To farm out to Individuals for a fixed sum, the manufacture of Gunpowder ; transferring to them the mills, and giving them the exclusive power of making and selling it at a price, to be agreed upon.

To prohibit the importation of Foreign Gunpowder.

Royal Patrimony of Valencia, Arragon, Catalonia, and Majorca.

This branch of the Revenue will be very valuable, so soon as the Crown obtains the reversion of the numerous *Tercios*, *Diezmos*, &c. which are now enjoyed by a few Individuals, without any title to them. In a Report, dated 8th November, 1807, upon the means of exercising the patrimony, which I had the honour to lay before His Majesty, I stated that " If we stop to consider the effect which the Taxes laid upon this patrimony have upon the useful classes, we must allow the evil to be very great, and anxiously desire that the liberal Government would take the measures calculated to remedy it."

The enlightened Cortes, by its benevolent Decree of the 19th July, 1813, abolished the exclusive rights of the patrimony, leaving the People at perfect liberty to erect mills, manufactories, furnaces, &c. ; and the direct sovereignty reserved to the State, and the *laudemio* and *fadiga* Taxes have been also annulled : it now only remains for the Congress to complete the good work, by adopting the following measures :

The abolition of the various Feudal Taxes still existing.

The employment of every means to recover for the patrimony ;

1. The *Tercios diezmos* and *escribanias* now in the possession of individuals.
2. The woods and pasture grounds.
3. The *mostrencos*, vacant bishoprics, &c.

National Manufactories supported by the Public Treasury.

Admitting that Governments should sometimes employ their authority and funds in the establishment of new manufactures, this should only be done for the purposes of renovating depressed trade, of enlarging the circle of manufacturing knowledge, of making experiments that are too costly for individuals to attempt, or of effecting new openings for trade. Beyond this Governments should not interfere, because the consequence of their so doing is to increase the expenses of the Treasury without advantage to the People. Our national manufactories have proved remarkably unsuccessful. That of Cotton goods at Avila, during the period of 5 years from 1788, expended a sum of 969,647 reals, without any profit to the Treasury. To guard against such losses in future, the Ministry have been obliged to dispose of it to a private individual.

The manufactory of glass at St. Ildefonso cost, during the same period, 2,691,587 reals; and in 1801, 1,091,414. The manufacture has not extended itself beyond the confined limits of that royal seat: while the monopoly which limited the sale of its glass to Madrid, and 30 leagues round, hindered the progress of other manufactures. That of china has caused a yearly outlay of 264,730 reals; and in spite of this sacrifice, our porcelain does not equal that of Sèvres and Saxony.

Upon an average of the 4 years from 1788 to 1792, the Treasury has disbursed 12,680,556 reals, to support the manufactory of cloths at Guadalajara; and after all, a loss of 4,255,241 reals has been the result.

From what has been stated, it appears to be desirable that all the national manufactories should be farmed out to industrious and enterprising individuals.

Reversions to the Crown.

No one can read our Political and Administrative History without being surprised at the immense losses which the Treasury suffers, owing to the Crown having been despoiled of many of its Possessions and Revenues, during the confusion of the middle ages, and the proud ascendancy of the Nobles. The latter increased their riches at the expense of the State; and, although Monarchs at different times have promulgated Laws and Decrees, for the purpose of recovering what had thus been alienated from them, they have been altogether fruitless, owing to the power of the present owners, and the long delays attending Law Suits in the antient Councils.

Whilst the Reversionary Suits proceed under the same form as other Civil Causes, the object desired will never be obtained. Convinced of this truth I consider it necessary ;

1. That the State should enter into possession, *de facto*, of all the revenues, taxes, perquisites, &c. the acquisition of which was annulled by the Decrees of the Cortes of Toledo in 1488.

2. That the State should take possession, *de facto*, of the revenues and duties which, having been alienated from it by donations, have passed to the indirect descendants of the original donors.

3. That every legal means be adopted to recover the Revenues which have been diverted from the general funds, by defective titles.

4. That in each Audiencia and in the Supreme Tribunal, a Chamber be established, composed of the Members of those Courts, expressly for the despatch of this business, their extra labours to be remunerated by 1 per 1,000 of the amount of rents and duties received into the Treasury during the first year.

But as it would be but little advantage to the People belonging to Seignorial Dependencies, to obtain their freedom, and at the same time be compelled to pay the same contributions as heretofore, to their Lords, the Congress is advised to lower the present impositions 30 per cent, besides the abolition of the feudal ones, until better times, when they can be wholly removed.

Post Office Revenue.

This Revenue was considered, for the greater part of the last Century, as a branch of the Financial Department, and I see no reason or ground for keeping it distinct from it. I would therefore recommend :

That the administration and direction of this branch be restored to the Department of Finance.

Collection of the Revenue.

To further the efforts made to increase the produce of the taxes, in order that they may meet the expenditures for which they are destined to provide, the pecuniary sacrifices of the People should be collected at the least possible charge.

A plan of collection which should lessen their number, and stimulate the zeal of the Public Officers to the effective discharge of their duties, would be the most advantageous for the Treasury, and the best adapted to our situation. I would therefore recommend :

That, in exacting the payment of the taxes, no appeal be allowed to the Conciliatory Court.

That the Intendants have the power to subject those who are backward in their payments to military punishment.

That, in order to compel Debtors to pay, recourse be had to the Judges of the First Instance.

That the sums due to the Public Revenue be paid first, and in preference to other claimants.

That one half of the amount of the *Direct Tax* to be paid by farmers, be allowed to be made in such produce as may be approved by the Government.

Secretaryship of Finance.

The only matters for the consideration of the Cortes, respecting this Office, are, whether *the Department of the Indies* shall continue united with, or be separated from, that of Spain, and whether the Archives of the Secretaryship shall be under the superintendence of the Congress, or that of His Majesty, in virtue of the powers granted to him by the Constitution.

General Treasury.

One Department alone should receive the proceeds of all the branches of the Public Revenue, and make the payments to such as have claims upon it, as determined by Art. 345, Chap. 1, Tit. 8, of the Constitution.* Its functions should be limited to the collecting in the coffers of the Court and Provinces, the products of the Taxes, and to satisfy with it those Persons who have lawful claims upon the State.

It does not belong to the General Treasury to examine the causes more or less affecting the Revenue, or to propose new taxes; but simply to receive the money, and to make the payments. Any other idea of the duties of this Department would be erroneous, and might lead to serious inconvenience. Each of the 6 Classes of the State should have its amount of expenses assigned to it, and its proper Officers to receive the money, and to apply it to its proper objects. Thus the Army will have its Intendants, Commissaries, and Paymasters; the Navy the same; and the Tribunals and Diplomatic Body their Receivers; independently of the Finance Department, and responsible only to the respective Minister of State, who will annually present to the Cortes the Accounts, as provided by Art. 227, Cap. 6, Tit. 4, of the Constitution.†

Each Department should have its Paymasters, who, receiving from the General Treasury the quota assigned to them by the Cortes, should apply it to the payment of his respective class. Second Treasuries should be established in the Provinces, where there is at present only one, as the best means of keeping up a supply of funds.

Administration of Finance.

The Decree of the General Cortes, dated 12th April, 1813, having abolished the Superintendency General, and the Sub-delegations of Revenues, the Directorial Junta of Finance has been re-established.

* See Page 275.

† See Page 263.

The office of Secretary to this Junta which is rendered almost unnecessary by the appointment of the Board of Commissioners, has been abolished.

Intendants.

The duties of this Magistracy having been greatly diminished in number by the operation of the new Laws, and all that related to the military revenue having been separated from it, the King has ordered it to be re-modelled upon the basis of the Constitution, and adapted to the new system.

It is recommended, that the Congress should complete the division of the Spanish Territory: this will materially contribute to the useful distribution and regulation of the Intendancies.

Provincial Administrations, Auditorships, and Treasuries.

By the accompanying Regulation, the Cortes will perceive, that the Provincial Administrations of Revenues have been re-assembled, and the Auditorships and Treasuries re-established, agreeably to Art. 346, Cap. 1, Tit. 7, of the Constitution.* For the better consolidation of this part of the Financial Department, it is recommended:

That the general administrations be suppressed, and replaced by partial ones of the different branches; and that a Pleader be appointed, in order to expedite all Suits to which the Intendants may be parties, before the Judges of the First Instance.

Revenue Guard.

Experience but too well proves the nullity of the present organization of this body. Were the plan of the collection of the Customs once amended, and the contraband trade deprived of its allurements, the latter would almost totally disappear, and the duties of the Revenue Guard be confined to the Frontier and the Ports. The improvements I would suggest are:

That the Service be placed upon a military footing, and be composed of Officers and Privates.

That all persons unfit for service be dismissed, and their places supplied by the military. That the Minister of Finance, in conjunction with the Minister of War, draw up the necessary regulations.

Penal Revenue Code.

With the praiseworthy wish of preparing the materials upon which the Congress should exercise its authority; His Majesty has ordered the formation of a Revenue Code, which, as soon as it is completed, I shall submit for the examination and approval of Congress.

Palace, 7th July, 1820.

JOSEF CANGA ARGUELLES.

* See Page 275.

CONVENTION between Prussia and Denmark, for the reciprocal delivering up of Deserters.

PRUSSIAN NOTIFICATION.

(Translation.)

Troppau, 25th December, 1820.

THE following Cartel-Convention has been entered into and concluded between the Royal Prussian and Danish Governments.

ART. I. All military Persons deserting from the Armies of their Majesties the Kings of Prussia and Denmark shall, from the day of the publication of this Convention, be mutually delivered up.

II. All shall be regarded as Deserters (without distinction of rank or arm) who belong to any division of the standing Army or of the armed Militia of the Country, according to the legal regulations of the 2 States, respectively, and are bound by their Oath and duty; including the men attached to the train of Artillery and other carriage service.

III. Notwithstanding that a Deserter from one of the Contracting States may have previously deserted from some other State, he shall nevertheless be delivered up to the Contracting Party from whom he last deserted, even though a similar Convention for delivering up Deserters may exist with the State from whose service he deserted in the first instance. Further, if a Soldier desert from the Troops of one of the Contracting States to those of a third, and from these again to the Territory or Troops of the other Contracting State, the question will then be, whether any Cartel exists between this last State, and the State from which the Soldier deserted in the second instance. If such Cartel exist, the Deserter shall then be delivered over to the State which he last quitted. If there be no such Cartel, he shall be delivered over to the Contracting State from whose service he first deserted.

IV. The following circumstances shall alone be considered as sufficient grounds for refusing to deliver up a Deserter :

a. When the Deserter has been born in the States of the King of Prussia, or of the King of Denmark, according to the boundaries laid down in the latest Treaty, and has, therefore, by his desertion, merely returned to his own Country.

b. When a Deserter has committed an offence in the State into which he has deserted, and the Laws of the Country demand the punishment of his crime before he be delivered up. At the moment of such Deserter being delivered up, after undergoing punishment, there shall, at the same time, be handed over, either the Original, or Extracts, and attested Copies, of the examinations respecting the crime of which he had been convicted, in order that the State receiving him may be able to judge whether such a Deserter be fit for military service or not.

On the other hand, the debts or other engagements contracted by a Deserter, give to the State, in which he may be, no right to refuse to deliver him up.

V. The obligation to surrender Deserters extends likewise to the horse, saddle, arms, and the whole of the equipments which the Deserter may have taken with him; and is binding even when the Deserter himself, under the provisions of the foregoing Article, is not delivered up.

VI. The surrender shall be spontaneous, without waiting for a requisition. So soon, therefore, as any Military or Civil Authority discovers a Deserter within his jurisdiction, he is bound to deliver him up, together with the horse, arms, or effects, found with him.

VII. Should a Deserter, however, have escaped the notice of the Government of the State which he has entered, he shall be delivered up immediately that he has been demanded; even though he may have found an opportunity of entering into the military service of the said State.

The delivering up of a Deserter only admits of delay, where there is such a doubt, with respect to the correctness of the essential facts on which the requisition of the surrender is principally grounded, as that a more minute explanation of them is rendered necessary between the Government called upon and the Government issuing the requisition.

VIII. A Deserter, whose delivery is required, shall be surrendered at the Frontier of the Prussian and Danish States respectively; and the requiring Government shall fetch him from thence.

The requisition for the delivering up of Danish Deserters, who may have been received into the Prussian military service, shall be made at the Head-Quarters of the Province in which the Deserter may be: in all other cases, however, the requisition shall be made to the Royal Prussian Provincial Government concerned.

Requisitions for the delivering up of Prussian Deserters, who may have been received into the Royal Danish service, shall likewise be lodged at the Head-Quarters of the Province where the Deserter may be; but in all other cases they must be addressed to the Royal Danish Chief-Civil-Magistrates concerned. These Magistrates are, the Director of Police in Copenhagen, and the Country-Justices without Copenhagen; in the Duchies of Sleswick, Holstein, and Lauenburg; the Sleswegian High Court of Justice, the Lauenburg Provincial Government, and the Chief-President in Altona.

IX. The cost of subsistence of every Deserter to be delivered over shall be reimbursed, from the day of his apprehension to the day of his surrender, inclusive, at the following rate daily: on the Prussian side, 3 groschen, Prussian currency; for a horse daily, 6 lbs. of oats, 8 lbs. of hay, and 3 lbs. of straw, Berlin weight, at 110 lbs. to the

cwt. On the Danish side, there shall be reimbursed for each day, 16 schellings silver banco, or 5 Lubeck schellings; for a Cuirassier's horse, 7 metz of oats, 9 lbs. of hay, and 6 lbs. of straw; for a horse of a Lancer, Dragoon, or Hussar, daily, 7 metz of oats, 7 lbs. of hay, and 6 lbs. of straw; Danish weight and measure. The cost of the forage shall be regulated by the market price of the Place, or nearest Town to that in which the arrest takes place; and the money shall be invariably paid, immediately on the delivery over of the Deserter.

If, after a Deserter shall have been arrested for the purpose of being delivered up, greater expenses than those above specified have been unavoidably incurred, in consequence of sickness, these likewise shall be paid on the delivery of the Deserter, but shall be the subject of a mutual and special calculation.

X. Beyond the above-mentioned expenses, and the reward stated in the following Article XI, nothing shall be demanded under any pretext, or on account of press money, pay, keep, conveyance, or by whatever other name it may be called, even though the man to be delivered up should have been enrolled among the Troops of the State surrendering him.

XI. A reward of 5 dollars, Prussian currency, or, on the Danish side, of 6 dollars 4 marks, silver banco, shall be given to the Party who delivers up a Deserter, if without a horse; and 10 dollars Prussian currency, or, on the Danish side, 13 dollars, 2 marks, silver banco, for a Deserter, with a horse; such reward to be advanced, in the first instance, by the State delivering up the Deserter, and to be repaid immediately on the surrender of him.

This cartel money is not payable in respect of other Refugees, who, although not released from their military duties as Subjects in general, do not come within the class of Deserters, properly so called, according to Article II.

XII. The Authority which delivers up a Deserter, must give an acquittance for the expenses and reward received under Articles IX and XI. The surrender of a Deserter, however, is not to be objected to, because the amount of expenses to be repaid cannot be at once ascertained, unless there exist some other reason for objection.

XIII. All the Authorities, particularly those on the Frontiers, are hereby enjoined to keep a good look out for Deserters; and whenever they discover a man, who, by his statements, dress, arms, or other circumstances, betrays that he is a Deserter, immediately to have him watched or arrested, as may be found expedient.

XIV. All Individuals belonging to the Corps of Reserve, or Militia (Landwehr), and in general all Prussian and Danish Subjects not yet released from their military obligations, according to the Constitutions of the 2 States, who, from the time of the publication of this Convention, shall repair from the one to the other of the Territories of their Prussian

or Danish Majesties, or join the Troops of the other Contracting State, shall be liable to be delivered up, immediately after a requisition for that purpose; and the same form shall be observed, and the same charges paid, on the delivering up of such Persons, as are specified in this Convention, for the surrender of a military Deserter. No cartel money, however, shall be paid on surrenders of this description, made by either of the 2 Governments upon the requisition of the other.

The Administrations and Authorities of both Contracting Parties shall be strictly forbidden to receive into their Armies, Deserters, or Persons who are eligible to military duty, and cannot satisfactorily prove that they are exempt from it. They are likewise forbidden to keep secret the dwelling place of such Persons, or to assist them in retiring to a more remote part of the Country, in order to avoid the effect of a requisition. And no Foreign Power shall be permitted to enlist Individuals of a similar description within the limits of the Territories of either of the Contracting Parties.

XVI. He who shall be found guilty of concealing a Deserter or Person liable to military service, knowing him to be such, or of assisting in his flight, shall be subject to a heavy fine or imprisonment.

XVII. It shall be, in like manner, forbidden to the Subjects of the 2 Contracting Parties, to purchase or receive into their possession, the horse, saddle, harness, armour, or equipment, of a Deserter. All offenders against this prohibition shall not only be compelled to the restitution or payment for articles of this description found in their possession, without their receiving the slightest compensation; but shall, moreover, be punished by fine or imprisonment, if it be proved that they knowingly purchased, or obtained possession of, anything from a Deserter. A Danish Subject, in such case, shall be liable either to a fine, or to imprisonment with bread and water for 5, 10, or 15 days.

XVIII. All overt or secret recruiting in the Territory of the other Party, the seduction of Soldiers to desertion, or of other Subjects to quit their Country, in order to avoid their military duties, is strictly forbidden.

All Danish Subjects convicted of such offence shall be punished, according to the Regulations made for Denmark, and the Duchies of Sleswick, Holstein, and Lauenburg, on the 9th and 21st of June, 1819, respecting the punishment for recruiting in Foreign Countries.

He, however, who escapes such punishment by flight, or who, being out of his own Country, endeavours to influence the Subjects of another State in either of the above-mentioned respects, shall, upon a requisition to that effect, be brought back to his own Country for trial and punishment; which punishment, for a Danish Subject, shall consist of imprisonment or hard labour for a period not exceeding a year, according to the circumstances of the case.

XIX. Those Subjects shall not be liable to be claimed and deli-

vered up, who, before the publication of this Convention, have deserted from the Troops of one of the Contracting States, and have been either received into the military service of the other State, or, without again adopting that course of life, have established their residence in its Territory.

XX. The Natives of the two Countries, who, at the time of the publication hereof, shall be actually engaged in the military service of the other State, shall have the free option either of returning to the place of their birth, or of continuing in the Service in which they may be then employed. They must, however, distinctly declare their determination within a year at the farthest after the publication of the present Convention; and those who wish to return to their native Country shall receive their discharge without any obstacle. In cases of voluntary capitulation, these regulations shall come into operation, immediately after the expiration of the capitulation.

XXI. The present Convention shall be published by both Parties at the same time, for its most exact observance; and it shall continue in force for 6 years, with a tacit acquiescence in its longer continuance until declared at an end, which each Contracting Party is at liberty to do upon giving 1 year's notice.

Should any general resolutions, however, be adopted at the Diet, which may be incompatible with the above Stipulations, those Resolutions of the Diet shall thenceforth supersede them.

Given and signed, at Troppau, the 25th of December, 1820.

The Royal Prussian Minister for Foreign Affairs,

(L.S.) LE COMTE DE BERNSTORFF.

***REPORT of the Minister of War, to the Cortes of Spain.—
11th July, 1820.***

(Abstract.)

(Translation.)

IT is most painful to my feelings, that, upon my addressing you for the first time, I cannot present to you a more satisfactory account of the War Department, with the administration of which I am entrusted; a long series of unfortunate, though well known, events having reduced the Spanish Army to a most deplorable condition.

The War of 1814 compelled Spain to raise Forces whose numbers were better proportioned to the loyalty and patriotism of the Nation than to its means; and although the expenses to which they have subjected the Country are most burthensome, yet, having witnessed the privations and sufferings of those gallant Troops, gratitude, no less than justice, obliges us to bear them; nor, indeed, unless the arrears due to those Troops be discharged, could we answer for that strict discipline, without which an Army becomes useless in time of War and dangerous in Peace.

It is not my wish to dissemble the necessity which exists for numerous reforms in the Army, and changes in its organization, in order that it may not disappoint the Nation's hopes whenever its services shall be required: the measures which are so indispensable I shall have the honour to submit for your consideration, after laying before you the present melancholy but faithful account of the actual state of the different branches of the Service.

Our Land Forces, exclusive of the Royal Guard, consist of 53,705 men, and 7,083 horses, including those of the Artillery. At the Peace of 1814, the total numbers of the military bodies recognized and approved by the Government exceeded 190,000 men, and 17,000 horses;—a Force which not only surpassed the resources of the Treasury, but was disproportionate to the Population. Obedient to the call of the Country in 1808, numbers had taken up arms, whose avocations and employments were totally incompatible with the military profession: these it became necessary to dismiss to their homes and occupations, as speedily as possible; a measure which was, however, interrupted, by the reappearance of the French Usurper in 1815. Upon his final dethronement, the dismissals were resumed, and the Army is now reduced to the number above stated, from which however 5,344 men, who are entitled to their discharge, are still to be deducted. The Expeditions to the Spanish Provinces have likewise contributed to lessen our Forces,—27,342 men having sailed for those Dominions since the year 1814.

The Infantry Force consists of 39,652 men. In the year 1768, it amounted to 61,000 men; and in 1776, 1777, and 1778 it was at its *minimum*, viz. 49,000 men. From 1796 to 1802, its numbers were 92,000 men; and it was decreed that, in case of War, it should be increased to 105,000. In 1802 the numbers for Peace were 65,000, for War 118,000, besides 12 Battalions of the Royal Guard, and as numerous a Force of Marines.

The force of the Cavalry, exclusive of the Brigade of Royal Carabineers, and the Royal Body Guards, is 7,859 men, with 6,144 horses: from that number must, however, be deducted 500 men, who are entitled to their discharge. The number of horses is 6,144; but of these, only 2,975 are fit for service, including 332 colts.

The Artillery Force consists of 5,356 men and 939 horses. The Engineers and Sappers, inclusive of Officers, 736.

Composition of the Infantry.

In 1814, the Infantry was composed of 167 Regiments recognized and approved by Government, each of which consisted of 1 Battalion with 3 Field Officers, and from 1,000 to 1,200 men, divided into 8 Companies with 5 Officers to each. The various changes, introduced in that year, together with the Expeditions which sailed for the American Colonies, drew from that Force 133 Field Officers, 1,552 inferior

Officers, and 40,000 Men. The various reforms in contemplation were interrupted in 1815; but, being again resumed, the Regiments were made to consist of 3 Battalions, with a Colonel, Lieutenant-Colonel, and a Major, for each Battalion: the Battalion consisted of 8 Companies, having 5 Officers and 1,636 Men in time of Peace, and 3,228 Men in time of War: 47 Regiments of the Line remained thus constituted, together with 12 light Battalions; so that, upon this scale, the whole Force of Infantry would be 89,864 Men, in time of Peace, and 166,568 in time of War; and as, in the year 1812, many Field Officers had obtained promotion, although, from the necessity for economy, they were only allowed to draw pay for their former Rank, it was ordered in 1815 that they should undertake the duties they now perform, inferior to their real grade;—Colonels acting as Lieutenant-Colonels, Lieutenant-Colonels as Majors; &c. But, although these economical measures relieved the National Revenue to a certain extent, they were inadequate to accomplish the end desired. In 1816, His Majesty, therefore, ordered still further reductions, and in 1818 succeeded in diminishing the Infantry to 37 Regiments of the Line and 10 Corps of light Infantry; the former consisting of 2 Battalions each, and the latter of 1; each Battalion of 500 men being divided into 8 Companies. This measure removed at once 69 Battalions, and reduced the strength of the remaining ones. The number of Infantry Officers has, since 1814, been diminished by not less than 8,000.

Composition of the Cavalry.

The Cavalry in 1814 consisted of 43 Regiments, which were reduced to 35; comprizing 15 Regiments of the Line, (including 2 Lancers, and 1 Cuirassiers,) and 20 of Light Dragoons. Each of them had a Staff, composed of 4 Field Officers, and the other requisite grades, and 4 Squadrons of 2 Troops each with 3 Officers: the complement of each Regiment was 648 Men and 568 Horses. In 1815, a still further reduction took place; by which the number of Regiments was diminished to 30, consisting of 17 Regiments of the Line, (including 3 Lancers and 3 Cuirassiers,) and 13 of Light Dragoons. The last change took place in 1818; when the total number of Regiments was reduced to 22, of which 13 were of the Line, and 9 of Light Dragoons; which is the present strength of the Cavalry.

Composition of the Artillery.

In 1814, the Artillery consisted of 1 Company of 150 Cadets, 5 Regiments of foot Artillery, 6 Squadrons of Horse, 20 Garrison Companies, 6 Train Battalions, and 5 Companies of Workmen; making in all 10,995 Men. In 1815 the Corps was reorganized; the Supernumeraries were dismissed, and the number of the Squadrons and of the Train was reduced to 5; with a total strength of 8,400 Men. A further reduction took place in 1818, when the number was fixed at 5,000 Men.

Composition of the Engineers and Sappers.

The only change of consequence made in this branch of the Service, since the Peace, has been the suppression of the Ranks of Second Lieutenant-Colonel, and of Sub-Lieutenant.

At the time of the Peace, the Sappers were organized into 6 Battalions each, commanded by a Lieutenant-Colonel of Engineers, all the other Officers, except the Captain, being taken from the Infantry. In 1818 a final reform took place, when they were reduced to 2 Battalions of 7 Companies each, including Miners, Pontooners and the Train.

Wants and Privations of the Army.

Overwhelmed by an expenditure disproportioned to its means, the Public Revenue found it impossible to meet the claims made upon it for the Army; in consequence of which, the latter has been reduced to a state of wretchedness, almost inconceivable. When, at the general Peace, it was naturally expected that the Army would be enabled to enjoy the fruits of all the sufferings and privations it had so heroically endured, it was found plunged in the deepest distress; not only the different allowances for clothing, &c. remaining unpaid, but even the pay, both of Officers and Men, being in arrears. Officers upon half-pay found themselves in the dreadful situation of being unable to supply the wants of their families, and even unable to dress becoming their rank, while the Common Soldiers, ill fed, were almost in total want of clothing, of which a remarkable instance occurred at Ceuta, the African Regiment there being absolutely forbidden, from a sense of decency, to quit their barracks.

Military Funds.

The Chests of the Regiments of Infantry are empty, but the balance due to them, for arrears of allowances and pay, amounted, on the 1st of January, 1815, to the enormous sum of 231,000,000 reals.

The Regimental Chests of the Cavalry contain 4,000,000 reals in money, 1,500,000 in Government Bonds, and upwards of 6,000,000 in Bills; and there is a balance due to them from the Treasury of 37,000,000.

The Regiments of Artillery and the fixed Companies have large claims upon the Treasury. The Squadrons of Light Artillery have nothing in their Chests. The Corps of Waggon-train are similarly situated, but have considerable arrears due to them.

As the Corps of Sappers have received their pay from the General Treasury, they have been better provided for, and have now in their Chest 806,200 reals, of which 480,541 is in Cash, and the rest in Treasury Bonds and Paper.

State of the Clothing.

From the above statement of the Military Funds, and from the fact that the prisoners who returned to Spain from the French Depôts, in

1814, came back almost destitute of covering, some idea may be formed of the present defective state of the clothing of the Troops.

For 39,652 men, there are only 32,305 great coats, of which only 12,699 are serviceable, 9,668 being not quite useless, and 9,938 wholly so; so that if this last number be increased by 7,047, the amount of the deficiency, it will be seen, that not less than 17,000 soldiers are without this necessary article of clothing.

Of the 23 Regiments of Cavalry, 15 have serviceable clothing, 5 are but tolerably equipped, and 3 are very badly supplied.

Of the Regiments of Artillery and their Garrison Companies, the First Regiment, only since 1808, has been provided with complete suits. The Third and Fourth are almost destitute. Of the Squadrons of Light Artillery, formed in 1811, the 5th only has been completely clothed, while of the Train Battalions, the Third only received clothing on being ordered out for service in South America.

Arms.

In the article of Arms, there has also been a great diminution and deterioration. At the conclusion of Peace, we had more than 136,000 muskets, 8,000 rifles and carbines, 5,500 pistols, 17,000 sabres and swords, and 1,238 lances; but the wear and tear of 6 years, the want of proper repairs, and the numbers sent to America, have almost left us without any arms. At the time of the breaking out of the War with France, in 1808, there were more than 350,000 muskets in the Arsenals. The Artillery is in so deplorable a state, that it can scarcely be said to exist.

Royal Household Troops.

The Corps of the Body Guard had been reduced during the War to 2 Squadrons; but after the Peace it was placed upon its present footing, having, in 1815, been organized into 4 Squadrons, the 1st and 2d being called Grenadiers, and the 3d and 4th Light Dragoons. The number of Privates is 611; of Officers, 92. Their Clothing is new, and their Arms are complete and in good condition. They have, in their Military Chest, 1,625,084 reals; 37,951 being in Specie, the rest in Government Bonds, &c.; and their claims amount to 1,635,918 reals.

The Halberdiers consist of 132 Privates, with 8 Officers. Their Arms are in good condition, and they are about to have new Clothing. Their arrears of pay amount to 274,380 reals. This Corps is entirely composed of well tried Veterans.

First Regiment of Royal Foot Guards.

The reform of 1818 reduced this Regiment, which formerly consisted of 5 Battalions, to 3. It now consists of 2,090 Privates, and 182 Officers. Its Clothing is excellent; its Military Chest contains 59,158 reals; and its claims upon the Treasury amount to 12,381,734 reals.

Second Regiment of Royal Foot Guards.

This Regiment is 2,228 strong, exclusive of 161 Officers. Its

Clothing and Arms are not in the best state. Its Chest contains Government Bills to the amount of 850,980 reals.

The Brigade of Royal Carabiniers preserves its ancient organization. Its force consists of 543 Privates and 39 Officers.

Provincial Militias.

The last reform made in this description of National Troops took place in 1818. Their numbers are 33,809 Privates, and 1,543 Officers. The annual cost of the Militia exceeds 13,000,000 reals in the time of peace. Their private funds are derived from a tax of 2 reals vellon upon every bushel of Salt consumed in the Peninsula, and, by an approximate calculation, the proceeds amount to 2,900,000 reals, which is appropriated to the Clothing, purchasing of Arms, repairs of Barracks, &c. Their Clothing, generally, is good and new. They have 10,344 Sabres; and 28,000 Muskets, of which 13,765 are Spanish 1,849 French, and 12,069 English.

Artillery.

The total number of Pieces of Artillery, of different calibres, is 6,811. Their mountings, harness, &c. are in a bad state; and they have scarcely ammunition enough for one day's battle. There are no tents, no pontoons: in short, the whole of this branch of the service is in so deplorable a condition, that it will require much time, great zeal, and a large expenditure, to place it upon a respectable footing.

Fortresses.

The number of Fortresses in the Provinces is 27, and upon the Coast 22. Some of them have suffered two or more sieges; and Gerona, Ciudad Rodrigo, and Astorga, have purchased their glories by the complete destruction of their walls, and of the public and private buildings within them. The scarcity of funds at the Peace prevented their being rebuilt, and their ruins still remain as monuments of the fury of the Assailants and the heroic enthusiasm of the besieged. Several of the Fortresses must be demolished, and others built in more commanding positions; while some are now wholly undeserving the name, as, from their having been erected before the invention of gunpowder, (when they were probably deemed impregnable,) they could not now resist the slightest attack.

Towers and Coast Batteries.

There are also on the Coast a considerable number of Towers and Batteries, the greater part of which are in a very bad state.

Military Education.

The military education of the Army has not proceeded so satisfactorily, during the 6 years of Peace, as it did during the War; in the course of which 6 Colleges were established for the Infantry and Cavalry under the Provisional Government; and, notwithstanding the want of resources, and the unsettled state of the Country, those Colleges not only

supplied the Army with able Officers, but also other Departments of the Service with Persons admirably qualified for their respective duties. The exhausted state of the Treasury since the Peace, and the absence of that general enthusiasm which was aroused and sustained by a sense of the Country's danger, have caused the reduction of the 6 Colleges to 3, and the progress even of the latter is paralyzed from the want of adequate funds.

The School belonging to the Corps of Artillery, which was removed to Majorca during the War, was re-established in Segovia, immediately after the Enemy had withdrawn from the Peninsula. The Corps of Engineers having lost its Academy at Alcalà, at the commencement of the War, did not at the time restore it, but provided itself with Officers from the Army Colleges. It was, however, re-established after the Peace; and, in the year 1816, His Majesty was pleased to give it a new organization, calculated to produce the best effects.

Dismissals.

The dismissals granted to the Officers of the Army have considerably lessened the number of those employed in active service, and effected a corresponding saving in the expenses. The diminution is at present not less than 30,812,668 reals; and, if the reductions be persevered in, it will be doubled.

Staff Establishments of Garrisons.

The Staff Establishments were increased in 1818, in order to diminish the expense of the number of Officers in the Army. The estimate for this branch is 8,029,902 reals.

Invalids.

The Invalids amount to 7,838 men. Great exertions are making by the Government to place this Establishment upon a better and more extended scale. Its expense is estimated at 15,252,653 reals.

Total Strength and Estimates of the Army.

The total strength of the Army in Spain is 87,779 men, and 6,338 horses. The expenses of the next year, including the Garrisons, are estimated at 325,615,793 reals.

Ultramarine Provinces.

Before proceeding to lay before you the state of the Army in the Ultramarine Provinces, it will be necessary to give a rapid sketch of the War in those Countries.

The Islands of Porto-Rico, Cuba, Saint Domingo, and the Philippines, are in the enjoyment of peace, and all the strong Positions in the Floridas are occupied by Detachments from Cuba. In St. Domingo, it is true, the Spanish part of the Island is badly fortified and ill garrisoned, so that, although our Troops have every reason to depend upon the fidelity of the Inhabitants, their situation calls for the attention of the Government.

The Kingdom of Mexico may also be said to be at peace, for, although hostilities are not completely at an end, they are only of a

desultory character, and the number of Insurgents who daily apply for pardon is so great, that, in the month of January alone, the Vice-Roy granted it to 1,048 individuals.

In Nacogoloches and on the Frontiers of Louisiana, the bands of Insurgents which had occasioned some alarm, have been dispersed by the Spanish Troops. The Vice-Roy has also taken measures for relieving the Province of Texas with troops and provisions; as well as for compelling the Indians, who are at war with us, to treat for peace.

The contest is most violent in the Southern parts of our Possessions, and the Army commanded by the Lieutenant-General Don Pablo Morillo, Count of Carthagera, is unfortunately exposed to great difficulties, and in a very critical situation.

An English Adventurer has twice endeavoured to possess himself of Callao, but the valour of our Troops, and the loyalty of the Inhabitants, have frustrated his attempts.

Although the Viceroyalty of Peru is in a state of internal tranquillity, its proximity to Buenos Ayres and Chili, nevertheless, renders its situation somewhat precarious.

State of the Spanish Army in the Ultramarine Provinces.

Many obvious causes render it impossible for me to afford such details respecting the South American Armies, as I have done with respect to those of the Peninsula. I shall, notwithstanding, endeavour to give as correct a description of it as lies in my power, gathered from the most recent intelligence received by the Government.

In the first place, the Troops are of a mixed character, and are very differently organized: this arises from some of them being Natives, and others Europeans, and from the diversity of circumstances attending their formation, and the changes they have since undergone.

With respect to the Native Troops, they were not raised till the beginning of the last Century, when they were gradually formed, as the occasion required, the organization of each Corps being regulated by the state of the population, their habits, and resources, and other considerations. In this manner several Regiments of Infantry and Cavalry were organized, but the elements of their composition were by no means good; condemned criminals and vagabonds of every description being received into their ranks.

The Troops sent from the Peninsula to the American Provinces are not only very much reduced in numbers, but have been, for the most part, recruited from among the natives. The Regiments are greatly in want of Subaltern Officers, for, although the vacancies are filled up by Natives, the latter are deficient in the requisite qualifications. The total number of the Army in America is 42,167 men.

I shall now proceed to speak of the different Corps serving in the Islands, and in both Americas, respectively.

The Island of *Porto Rico* possesses 2 Battalions of a Peninsular

regiment, one of Militia, 4 companies of *Morenos*, and as many of Artillery; the numbers being 464 regulars, 158 veterans, and 4,200 militia and others:—total 4,822. The total number of muskets belonging to the militia is 960, and they have been in use 11 years. The fortifications of the Island require repairs.

In *St. Domingo* there are 3,316 men, of whom 3,227 are militia, the remaining 89 being veterans: these, with 212 of the former Troops, compose the garrison of the Capital. There are also 296 Horses. The men are all extremely ill provided with clothing, stores, arms, and ammunition. The Artillery is in an equally destitute condition, and the fortifications are scarcely tenable.

The Troops in *Cuba* consist of 3 battalions of Peninsular Regiments, amounting to 2,589 men; 5 of veterans belonging to the Island, consisting of 2,096,—2 squadrons of which are Cavalry; 1 regiment, and 3 battalions, of Militia Infantry, 2 Corps of Militia Cavalry, and 3 of black Infantry; the whole of the militia, &c. amounting to 6,311 men:—total 10,996 men, and 977 horses. The military stores, arms, ammunition, &c. are in a tolerably good state, and the Troops generally are under excellent discipline.

In the *Philippines* there are 3 Corps of Infantry and one of Cavalry, all veterans, being 3,294 in number; 6 Militia Infantry of the Line, 2 of light Infantry, and 1 of Militia Cavalry, amounting in all to 6,884 militia—total Militia and Regulars 10,178, and 130 horses. There are besides, a brigade of veteran Artillery, and 8 of disciplined Militia, a company of workmen attached to the Corps of Engineers, and the Grenadiers of Luzon, whose number is not ascertained. In cases of urgency, 4 companies of Cavalry belonging to the Garrisons of several towns, may also be reckoned upon, and also about 800 men belonging to Free Corps. The clothing of all these Troops is good and complete, and their arms in good condition.

Military Forces in North America.

In *New Spain* may be reckoned 11 bodies of Peninsular Troops, all Infantry, with 3 companies of Marines. The veteran Infantry of the Country consists of 1 company of Halberdiers, 5 regiments, 1 battalion and 6 companies, of Free Corps. The Cavalry is divided into regiments of Light Horse and Dragoons: in addition to these there are provincial coast Militias, both of Infantry and Cavalry, the exact composition and numbers of which are not accurately known. The Peninsular Troops amount to 8,448 men, the Militia to 21,968, and the veterans to 10,620:—total 41,036. The veteran, as well as the provincial, Cavalry, are mounted, but the number of horses is not known. All these Troops are provided with clothing, arms and equipments; but some of the provincials, owing to their great distance from the Capital,

and the annual deficit of the Treasury, are not in so good a condition as the others.

Besides the above Forces in *New Spain*, there are in the district of each division a number of volunteer Troops, formed into free Companies: they consist both of Infantry and Cavalry, the number of the former being 23,178, the latter 19,182; Artillery 1,738:—total 44,098 men, and 14,085 horses: they have also 316 cannon, but are in great want of arms, ammunition, &c. The Peninsular Troops, both veterans and provincials, are distributed in the 18 Provinces of the Viceroyalty, that is to say: through an extent of 81,144 square leagues, commanding the principal roads, and the large towns; and protecting commerce, agriculture, &c.

No Reports have lately been received of the condition, numbers, clothing, &c. of the Troops of *Guatemala*. They consisted of a Veteran garrison battalion, 5 companies of Free Veterans, and of 6 battalions and 6 squadrons of Militia.

The same paucity of Intelligence exists as to *Yucatan*, where the Force was latterly composed of 1 battalion and 2 companies of Veteran Infantry, 1 squadron of Veteran Dragoons, 1 squadron of Volunteer Dragoons, and 2 battalions of Militia. Their condition, however, is not known. The Province enjoys peace; but the Captain General having reason to apprehend that an attack would be made upon S. Felipe de Bacalar, by a Piratical Squadron, had taken measures to succour that place. The Fortress was garrisoned by only 200 veterans; a very insufficient number; and, although it was well supplied with cannon and ammunition, it could only muster 12 Artillery-men to work the guns.

Military Forces in South America.

The Army, commanded by the Count of Carthagena, was lately stationed at *Venezuela*. It consisted of 8 battalions, 1 Detachment of Artillery, 1 Regiment of Dragoons, 1 Regiment and 1 squadron of Lancers, and 4 squadrons of Veteran Guides of the Country; besides the battalion of Cumana Veterans, and 1 of Militia. The Peninsular Troops amounted to 5,936, and the Militia to 6,080—total 12,016, with 6,426 horses. These Troops were in excellent condition, both as to discipline, arms, and clothing; but were in great want of superior Officers, ammunition, and shoes. The Officers of this Army, which had been in the Field throughout the year 1819, received only the fourth part of their Month's Pay, and were confined to their meat rations.

In the New Kingdom of *Granada*, there are 3 Corps of Peninsular Infantry; and 2 of Militia Infantry, 1 Regiment of Militia Dragoons, several Companies of Veteran Militia, 1 Brigade of Artillery, and 1 Company of Workmen. The numbers of these Troops are—of Peninsulars, 1,818; Militias and Veterans, 3,062: total, 4,880.

In the Presidency of *Quito*, dependent upon that Viceroyalty, are

1 Regiment of Infantry, and 2 Companies of Dragoons of the Country, making together in number, 1,085 men and 104 horses.

In *Panama*, dependent upon the New Kingdom of Granada, are 1 battalion of Peninsular Light Infantry, and 2 battalions and 1 company of the Country; forming a Force of 508 Peninsular Troops, 1,438 Militia and Veterans; total 1,946. We possess no *data* for forming any opinion respecting the state of the discipline, arms, and clothing of these Troops.

There are in *Peru*, 6 battalions and 3 squadrons of Peninsular Troops, 2 squadrons of Peruvian Dragoons, 3 battalions of Veteran Infantry of the Country, and 2 squadrons of the same kind, besides various Corps of Militia and Free Companies, whose force is not known. The numbers of the different description of Troops are as follows: Peninsulars, 3,762; Veterans of the Country, 2,437: total 6,199 and 486 horses. These Troops are at present divided into three principal parts; the Army of Lima, the Army of Upper Peru, and the Grand Corps of Reserve in Arequipa. They are in want of Muskets. Of their state of discipline, &c. nothing is known.

The following Tables will serve as a useful recapitulation :

TABLES.

Table I.—General Recapitulation of the Force of the Spanish Army in the Peninsula.

	Men.	Horses.
Royal Household Troops.....	5,604	921
Permanent disposable Force :		
Infantry.....	39,652	
Cavalry.....	7,859	6,144
Artillery	5,458	939
Sappers	736	
Total	59,309	8,004
Deduct for those entitled to Discharge.....	5,339	
Deduct as unfit for Service		1,666
Will remain	53,970	6,338
Add Auxiliary Force—Provincial Militias ...	33,809	
Total Disposable Force	87,779	6,338

destined to serve in the *Ultramarine Provinces*; from 1811 to 1820.

Men.

In 1811, 1812, and 1813. For the Northern and Southern parts		
of Spanish America.....		15,625
1815.	Costa Firme.....	10,000
"	New Spain.....	2,039
"	Panamà.....	481
1816.	Lima and Panamá.....	1,057
"	Panamà	125
"	Porto Rico and Cuba	2,000
"	Peru	140
1817.	New Spain	1,600
"	Costa-Firme.....	3,000
"	Peru	1,000
1818.	Peru	2,000
1819.	Cuba	3,000
At various times, as Substitutes.....		200
Total.....		42,167

Note.—Of the 10,000 Men composing the Expedition of General Morillo, 1,700 were sent to Peru, and 600 to Porto Rico.

Table 3.—Recapitulation of the Force of the Army in the Ultramarine Provinces, according to the most recent Reports.

	Peninsular Troops.		Veterans of the Country.		Militias.		Total.	
	Men.	Horses.	Men.	Horses.	Men.	Horses.	Men.	Horses.
In Porto Rico - -	464	- -	158	- -	4,200	- -	4,822	- -
St. Domingo - -	- -	- -	89	- -	3,227	296	3,316	296
Cuba - -	2,589	- -	2,096	170	6,811	807	10,996	977
Philippines - -	- -	- -	3,294	130	6,834	- -	10,178	130
New Spain - -	8,448	- -	10,620	- -	21,968	- -	41,036	- -
Venezuela - -	5,811	426	6,060	6,000	125	- -	12,016	6,426
The new Kingdom of Granada, exclusive of Quito and Panamá }	1,818	- -	243	- -	2,819	- -	4,880	- -
Quito - -	- -	- -	1,085	- -	104	104	1,189	104
Panamà - -	508	- -	249	- -	1,189	- -	1,946	- -
Peru - -	3,762	148	2,437	338	- -	- -	6,199	486
	23,400	574	26,351	6,638	46,827	1,207	36,578	8,419

Such, Gentlemen, is the actual state of the Spanish Army in both Hemispheres, and such are its necessities and wants. The King, most anxiously desiring that it should receive every possible amelioration, has given orders for the necessary measures to be adopted to ensure so important an object. The Department over which I preside has received a new provisional organization, the better to expedite the changes to be effected, and a Junta of General Officers has been formed, to prepare the necessary *data* upon which the future establishment of the Army is to be based. The regeneration of the Military Colleges is also one of the objects which at present occupies the attention of the Junta, and every effort will be made to put them upon an efficient footing.

EL MARQUES DE LAS AMARILLAS.

Palace, 11th July, 1820.

REPORT of the Minister of Marine, to the Cortes of Spain.
12th July, 1820.

GENTLEMEN,

(Translation.)

IN the execution of my duties as Minister of Marine, I have the honour to lay before you the present state of that branch of the Public Service.

It will be in your recollection, that, so far back as March, 1814, the Minister of Marine deplored the total decline of the Navy and the wretched state of the Arsenals, as well as the complete stagnation into which maritime commerce had fallen, and urged upon the Congress the immediate necessity of adopting energetic measures for remedying evils so prejudicial to the national prosperity. Equally disheartening was the Report, which another Minister laid before the King in 1816, of the then state of our Naval Establishment, when he emphatically compared it to a magnificent edifice, reduced to ruins by the destructive hand of time, the negligence of its owners, and the ravages of enemies. Not many years since, Spain could boast of 80 Ships of the Line, 71 Frigates, and 287 smaller Vessels, manned by 93,000 Seamen; and supplied from immense Magazines and Arsenals, not one of which remains. Disastrous Wars, the fury of the elements, ill advised Alliances, and a miserable line of policy, have, comparatively in a few days, annihilated the prodigious resources which had been accumulating for many generations, at the expense of the labours, privations, and sacrifices of millions of our Countrymen.

The Government has, of late years, occasionally directed its attention to this object, and has endeavoured to resuscitate our expiring Navy, and to restore it to its pristine vigour. With this view, in 1817, they appropriated to its service 100,000,000 reals; but of this

amount, not more than 24,000,000 were obtained,—a sum totally inadequate to produce any useful effect. Attempts were then made to purchase Foreign Ships of War, but, after many expensive negotiations, they entirely failed.

The Navy of Spain is now reduced to the insignificant number of 17 Ships of the Line, 12 Frigates, 12 Corvettes, 17 armed Brigs, and other smaller Vessels; amounting in all to 97.

Of the Line-of-Battle-ships, 4 only are fit for service. One of them, conformably to Treaty, is destined to join the Squadron from the Netherlands, in the Mediterranean, against the Pirates; another, for whose safety fears are entertained, has sailed for Callao; and the remaining 2 are to be employed in the Ultramarine Service, as occasion requires. All the other Vessels need numerous repairs of every description before they can be made sea-worthy. Of the Frigates, 10 are in Commission; 4 for the Service of the Peninsula, and the other 6 for that of the Ultramarine Provinces; the remaining Vessels of this class require the same repairs as the Ships of the Line. 52 of the smaller Ships of War compose the force stationed at Callao, San Blas de Californià, Puerto-Cabello, Cartagena de Indias, Veracruz, and Havana. Many of them are employed in the important duty of conveying the Correspondence between the Peninsula and the Americas; and the remainder are employed as Cruisers on the Coasts of Spain,—a duty to which their force and numbers are, however, very inadequate; considering the swarms of Corsairs and Pirates that infest our Shores for the purpose of destroying our Commerce, the difficulty of preventing communication between the Peninsula and the Balearic Isles, where unhappily the plague has begun to shew itself, and the necessity of preventing smuggling, so often the means of extending that dreadful scourge.

Under such circumstances, it appears that, rather than diminish the number of Ships at present on Service, we should increase them if possible, by putting all the other Vessels, including the Frigates, into an efficient state. It appears also expedient to arm and equip 2 more Ships of the Line, as a reserve for the important Port of Callao; in case the one which sailed for that Service should have met with any accident, or any unforeseen circumstances should occur to render an additional force necessary in that quarter.

It is equally important to the extension of our Navy, that the commercial shipping interests should be promoted, for which purpose a new Navigation Law would be productive of the best effects.

It is not my intention, however, to propose, in favour of the Spanish Navy, so great an augmentation of Force as the geographical situation of the Country, and the extent of its vast Dominions, demand. But it is my opinion that, without prejudice to the due proportion which ought to exist between the necessities of the Public Service, and the

means of providing for them, our Marine should be placed upon a more extended footing, in conformity with His Majesty's Royal Ordinance of 25th December, 1817. It is calculated, that there will be required for that object :

20 Ships of the Line,—3 from 112 to 120 guns, 6 of 80 guns, and 11 of 74 guns ;

30 Frigates, all of 50 guns ;

18 Corvettes of from 26 to 30 guns ;

26 Brigs—14 of from 20 to 22 guns, and 12 of from 14 to 18 ; and

18 Schooners, of from 10 to 14 carronades.

Should this plan, after examination, be approved, a firm basis will be laid for the gradual amelioration and restoration of the Spanish Navy.

I shall conclude this Report, by calling the particular attention of the Congress to the lamentable condition of the Individuals belonging to the 3 Departments of this Service ; in consequence of the large arrears of pay due to them. Justice requires that those of the present Year, at least, should be paid.

Palace, 12th July, 1820.

JUAN JABAT.

DISCOURS prononcé par le Duc de Cambridge, Vice-Roy d'Hanovre, lors de l'Ouverture des Etats du Royaume. —Le 26 Décembre, 1819. (Traduction.)

MESSIEURS LES MEMBRES DES ETATS DU ROYAUME,

PLUS nous sentons l'importance de l'époque qui commence pour notre chère Patrie, en ce jour où les rapports et les formes maintenant fixés de sa Constitution entrent en activité, plus il m'est agréable de remplir, en qualité de Gouverneur-Général du Royaume, à la place de Son Altesse Royale le Prince Régent mon Frère, le devoir de vous introduire, Messieurs, dans la nouvelle sphère d'activité qui s'ouvre pour vous. La Patente du 7 de ce mois vous a déjà fait connaître les principes que le Prince Régent a jugé à propos d'établir relativement à la Constitution de l'Assemblée Générale des Etats. On n'a point eu en vue d'introduire une nouvelle Constitution basée sur des principes purement spéculatifs : le Prince Régent a au contraire agi d'après la conviction, que ce qu'il y avait de plus avantageux pour le bien être du Pays, c'était de maintenir autant que possible les institutions existantes et garanties par l'expérience, et de n'y apporter que les modifications que le changement des rapports et des circonstances a rendues nécessaires.

La division en plusieurs Chambres est conforme à la Constitution Allemande et sur-tout à celle du Pays ; elle a été en conséquence

adoptée pour l'Assemblée des Etats, afin que les affaires les plus importantes du Pays puissent être soumises à un examen d'autant plus approfondi. Mais loin de vous, dignes Représentans du Royaume dans les 2 Chambres, la pensée que vous puissiez vous laisser guider dans vos délibérations par un autre but. Non, quelque différence qui puisse exister entre vos opinions sur les affaires publiques, objet de vos discussions, d'après le point de vue particulier sous lequel chacun de vous les envisagera, tous vos efforts doivent être dirigés vers un même but commun, le plus grand bien général du Pays. Votre amour pour la Patrie et l'accord de vos sentimens, inspirent au Prince Régent la confiance que vous ne perdrez jamais de vue ce but important, et que vous n'oublierez jamais que tous sans exception, vous avez à représenter dans cette Assemblée, non votre personne, votre Etat, votre Commune, votre Province, mais tout le Royaume de toutes les classes d'habitans en même tems, et que chaque individu doit être prêt à subordonner avec empressement ses désirs particuliers au bien général, dès qu'il exige ce sacrifice.

Les droits qui vous sont accordés sont importans ; mais vos devoirs ne le sont pas moins. La parole royale du Prince Régent vous garantit les premiers ; remplissez les seconds avec une scrupuleuse fidélité, et la plus grande satisfaction que l'on puisse goûter, celle d'avoir concouru de tous ses efforts au bien général du Pays, la bienveillance du Régent, la reconnaissance et la confiance de vos Concitoyens, vous accompagneront à votre retour dans vos foyers.

Vous trouverez une douce jouissance dans la certitude que jusqu'à présent aucun Hanovrien n'a été prevenu d'avoir pris part aux trames dont les ramifications multipliées ont mis la Confédération dans le cas de prendre des mesures communes.

Réunissez vos efforts à ceux du Gouvernement pour maintenir ces heureuses dispositions, afin qu'à la faveur d'une tranquillité et d'un ordre imperturbables, la prospérité de l'Etat et le bien être des particuliers s'accroissent de jour en jour.

Grâces à la louable activité et aux généreux efforts de l'Assemblée Provisoire des Etats, le travail de différens objets d'une grande importance est déjà terminé, ou préparé pour une délibération ultérieure ; il vous appartiendra, Messieurs, d'accomplir l'œuvre que l'on a commencée. Parmi ces différens objets, l'achèvement d'un système fixe d'impositions, qui soit assorti aux besoins de l'Etat et aux rapports des différentes parties du Royaume, est pour le bien des habitans du Pays une affaire générale de la plus haute importance.

On a ordonné les travaux préparatoires nécessaires à cet égard ; on vous en communiquera le résultat dans son tems, et on le soumettra vraisemblablement en partie à vos délibérations pendant le cours de votre première Session de cette année. En attendant, il sera nécessaire de continuer provisoirement la perception des Taxes existantes, afin

qu'on ne manque pas de moyens pour faire face aux besoins de l'Etat.

On mettra incessamment en activité le Collège Suprême des Taxes et du Trésor, dont on a communiqué l'organisation à l'Assemblée Provisoire des Etats.

Les Dépenses pour l'état militaire ont été soumises au plus scrupuleux examen. Le Prince Régent, toujours disposé à alléger autant que possible les charges du Pays, a ordonné une diminution considérable de l'Armée, et a porté cette réduction aussi loin que le lui ont permis ses engagements envers la Confédération, et le soin de pourvoir au maintien de l'ordre dans l'intérieur du Pays. Mais Son Altesse Royale attend avec d'autant plus de confiance que vous vous empresserez de consentir les contributions que l'on demandera au Pays, en proportion des besoins actuels de l'Armée.

En outre, l'organisation intérieure de l'Armée devra subir différens changemens, par lesquels plusieurs dispositions du Règlement de la Landwehr seront ou supprimées ou modifiées.

Relativement à l'Administration de la Justice, ainsi qu'à d'autres branches de l'Administration Générale du Pays, on soumettra dans cette Session et dans les suivantes, différens objets à vos délibérations. Je vous renvoie en conséquence aux communications particulières qui vous seront faites à cet égard.

Le Prince Régent recevra volontiers et écoutera favorablement les Projets que vous lui présenterez sur les objets dont la discussion est de votre compétence.

Le Commissaire Royal qui remplace le Maréchal Héréditaire du Pays, vous communiquera le Règlement qui concerne l'ordre de vos Assemblées, ainsi que les Pleins-pouvoirs qu'ont présentés les Membres ici présens. Ils doivent prêter maintenant entre ses mains le serment prescrit par la Loi. Rappelez-vous le dans toutes vos délibérations, et la bénédiction du Ciel, que nous avons implorée en commençant ensemble la solennité de ce jour, couronnera vos efforts d'un succès aussi heureux qu'assuré.

CORRESPONDENCE between The United States and Spain, relative to the liberation of American Citizens, made Prisoners during the Spanish-American Contest.—March, April, 1820.

(1.)—*Mr. Forsyth to Don Juan Jabat.*

SIR,

Madrid, 31st March, 1820.

ON the 18th of May, 1819, I had the honor to transmit to the Marquis de Casa Yrujo, ad interim Secretary of State and Despatch,

On the 31st of July, I asked the attention of his Successor, M. Salmon, to the same subject. On the 21st of September, I presented to the Duke of San Fernando a Statement, on the part of the American Government, of all the Persons, Citizens of The United States, who were known to be in confinement in different portions of the Spanish Dominions, with a List of their Names. To this List, I requested that 3 other Persons' Names might be added, by a Note of the 5th of October. To neither of those several applications have I received a reply. The recent and very interesting events which have occurred here lead me to hope, that a recurrence to this subject may be useful. Having been directed by the President of The United States to use all the means in my power for the restoration of the Americans confined, to their Country and friends, I trust that I shall be excused for bringing into view a subject of apparently minor importance. I have been unofficially informed, that the Americans who were in confinement at Malaga have been liberated, whether by an Order of this Government, or by the spontaneous generosity of the Local Authorities, anticipating the decision at Madrid, I know not. I persuaded myself, if His Majesty's attention should, in the midst of the weighty concerns that now occupy his royal mind, be recalled to this subject, that the same liberal indulgences would be granted to all. A generous forgetfulness of past difference of opinion among Spaniards has been proclaimed and warmly recommended. I should feel the most heartfelt satisfaction if the same magnanimous policy should be extended to my suffering Countrymen, without discrimination. Those who are innocent would receive it gratefully, although the culpable would partake of its benefits. I forbear to dilate on this subject, referring you to what has been previously addressed to your Predecessors, contenting myself with repeating, that such an act would produce the happiest effects on the future relations of Spain and The United States, 2 Nations who have many common, few opposite, interests, and who have, at this moment, in the similarity and liberality of their Institutions, stronger inducements to draw near to each other, than any other 2 Powers on the Globe.

I renew, &c.

H. E. Don Juan Jabat.

JOHN FORSYTH.

(2.)—*Don Juan Jabat to Mr. Forsyth.* (Translation.)

SIR,

Madrid, 12th April, 1820.

I HAVE the satisfaction to communicate to you, for the information of your Government, that the King of the Spains, desirous to give to the United States of America continued proofs of his friendship for them, and of his wish to evince it more strongly, at a period, when, by the principles of their respective Governments, both People have more

nearly approximated to each other, has resolved to set at liberty all the Americans, of The United States, made Prisoners within the Dominions of Spain, for having taken part in the disturbances of his American Colonies.

His Majesty, in commanding me to make to you this Communication, has further charged me to express his hope that this generous proceeding will be duly appreciated by your Government; and the rather, when the injuries resulting to Spain, from a conduct so unjustifiable, are taken into consideration; and that it will, in future, exert its whole authority and influence to suppress every hostile or piratical act derogatory to those principles of sound morality, which should form the rule of conduct of all Nations, governed, as in the case of Spain and The United States, by a Constitution founded on wisdom and justice.

I hereupon renew to you, &c.

Mr. Forsyth.

JUAN JABAT.

(Enclosure.)—*Decree issued by His Majesty for the liberation of such Americans, of The United States, as have been made Prisoners for taking part with the Insurgents in America.*

(Translation.)

MOST EXCELLENT SIR,

Palace, 12th April, 1820.

THE King having been pleased to issue an Act of pardon and oblivion, is desirous of giving immediate effect to it by setting at liberty all such Americans, of The United States, as have been made Prisoners within his Dominions for having borne arms with the Insurgents; for having acted as Spies; for having been arrested without the requisite Passports; for having aided or abetted, directly or indirectly, the existing rebellion in his American Possessions; and, in fine, all such as have not committed the crimes of robbery and assassination, or who are confined for just debts. Circular Letters to this effect are to be immediately despatched to all competent Officers in America, in Spain, and in the Garrisons abroad.

All which I communicate by Royal Order, for your information, and to serve the needful purposes.

God preserve you many years.

Mr. Forsyth.

JUAN JABAT.

(3.)—*Mr. Forsyth to Don Juan Jabat.*

SIR,

Madrid, 12th April, 1820.

I HAVE had the honor to receive your Excellency's Note of this day's date, giving me information that the King of the Spains had determined to liberate all the Americans, Prisoners in the Spanish Dominions, for having interfered in the disturbances with the Americas.

I shall hasten to transmit this pleasing intelligence to the Government of my Country, who will find in it new motives to prevent all violations of that neutrality, within the strict limits of which it resolved to confine itself at the commencement of those disturbances. It is with infinite pleasure I shall perform this duty, as I well know this act of His Catholic Majesty will be highly grateful in itself to the American Government, and be considered as the presage of future harmony between Spain and The United States—the evidence of the spirit of generous friendship which is hereafter to animate and regulate the intercourse between them. I rejoice that the policy and the circumstances of his Government have permitted the indulgence of His Majesty's benevolent disposition towards my suffering Countrymen.

I renew, &c.

H. E. Don Juan Jabat.

JOHN FORSYTH.

(4.)—*Mr. Forsyth to the United States' Consuls on the Mediterranean, in Spain.*

SIR,

Madrid, 13th April, 1820.

I HAVE the satisfaction to inform you, that the King of the Spains has directed all the Americans, Prisoners, in different parts of the Spanish Dominions, for having intermeddled in the disturbances with the Americans, to be liberated. I give you this information, that you may take the earliest opportunity to convey it to the Americans who may be in confinement in your neighborhood. At the same time, you are hereby authorised to say to them, that the expenses of their voyage, from the place of confinement to The United States, will be advanced, if necessary, by the American Government. For this purpose, any advances you may make will be repaid to you, out of the Contingent Fund of this Legation, or at the Department of State in Washington, at your option.

I am, &c.

JOHN FORSYTH.

LOI de France, relative à l'exécution d'un Engagement conclu entre la France et la Régence d'Alger.—A Paris, le 24 Juillet, 1820.

LOUIS, par la grâce de Dieu, Roi de France et de Navarre, à tous présents et à venir, salut.

Nous avons proposé, les Chambres ont adopté, nous avons ordonné et ordonnons ce qui suit :

ART. UNIQUE. Le Ministre des Finances est autorisé à prélever, sur

le crédit en rentes affecté par la Loi du 15 Mai, 1818, au paiement de l'arriéré de 1801 à 1810, la somme nécessaire pour acquitter celui de 7,000,000 francs, en numéraire, dont le paiement a été stipulé par l'Arrangement conclu le 28 Octobre, 1819,* pour l'exécution du Traité du 17 Décembre 1801, † entre la France et la Régence d'Alger.

La présente Loi, discutée, délibérée, et adoptée, par la Chambre des Pairs et par celle des Députés, et sanctionnée par nous aujourd'hui, sera exécutée comme Loi de l'Etat ; voulons, en conséquence, qu'elle soit gardée et observée dans tout notre Royaume, Terres, et Pays, de notre obéissance.

Si donnons en mandement à nos Cours et Tribunaux, Préfets, Corps Administratifs, et tous autres, que les présentes ils gardent et maintiennent, fassent garder, observer, et maintenir, et, pour les rendre plus notoires à tous nos sujets, ils les fassent publier et enregistrer partout où besoin sera, car tel est notre plaisir ; et, afin que ce soit chose ferme et stable à toujours, nous y avons fait mettre notre scel.

Donné à Paris, au Château des Tuileries, le 24^e jour du mois de Juillet, de l'an de grâce 1820, et de notre règne le 26.

LOUIS.

Par le Roi :

Le Ministre Secrétaire d'Etat au Département des Affaires Etrangères,
PASQUIER.

Vu et scellé du Grand Sceau :

Le Pair de France, Sous-Secrétaire d'Etat au Département de la Justice, Charge du Porte-feuille,

PORTALIS.

* Transaction conclue et souscrite, d'une part, par les Conseillers d'Etat, Mounier et Hely-d'Oissel, et de l'autre, par le Sieur Nicholas Pléville, porteur de pouvoirs et représentant des Sieurs Bacri et Busnach, Négocians d'Alger.

† Traité de Paix entre la République Française et la Régence d'Alger ; conclue le 26 Frimaire, an 10.—(17 Décembre, 1801.)

ART. 13. Son Excellence le Dey s'engage à faire rembourser toutes les sommes qui pourroient être dues à des Français par ses Sujets, comme le Citoyen Dubois Thainville prend l'engagement, au nom de son Gouvernement, de faire acquitter toutes celles qui seroient légitimement réclamées par des Sujets Algériens.

TREATY made and concluded by and between Auguste Chouteau and Benjamin Stephenson, Commissioners of the United States of America, on the part and behalf of the said States, of the one part ; and the Undersigned Chiefs and Warriors, of the Kickapoo Tribe of Indians, on the part and behalf of their said Nation, of the other part ; the same being supplementary to, and amendatory of, the Treaty made and concluded at Edwardsville, on the 30th July, 1819, between The United States and the said Kickapoo Nation.—Signed at St. Louis, 19th July, 1820.

ART. I. IT is agreed between The United States and the Kickapoo Tribe of Indians, that the 6th Article of the Treaty, to which this is supplementary, shall be, and the same is hereby, altered and amended, so as to read as follows, viz. :

In consideration of, and exchange for, the Cession made by the aforesaid Tribe, in the 1st Article of this Treaty, The United States, in addition to 3,000 dollars worth of merchandise, this day paid to the said Tribe, hereby cede to the said Tribe, to be by them possessed in like manner as the lands ceded by the 1st Article of this Treaty by them to the United States, were possessed, a certain tract of land in the Territory of Missouri, and included within the following Boundaries, viz. : Beginning at the confluence of the Rivers Pommes de Terre and Osage; thence, up said River Pommes de Terre, to the dividing ridge which separates the Waters of Osage and White Rivers ; thence, with said ridge, and westwardly, to the Osage line ; thence, due north with said line, to Nerve Creek ; thence, down the same, to a point due south of the mouth of White Clay or Richard Creek ; thence, north, to the Osage River ; thence, down said River, to the beginning.

In testimony whereof, the Commissioners aforesaid, and the undersigned Chiefs and Warriors as aforesaid, have hereunto subscribed their names and affixed their seals.

Done at St. Louis, in the Territory of Missouri, the 19th of July, in the Year of our Lord 1820, and of the Independence of the United States the 45th.

[Marks of 30 Indian Chiefs and Warriors.]

Signed, sealed, and delivered, in presence of the following witnesses :

PASCAL CERRE, *Secretary to the Commissioners.*

JAQUES METTE, *Interpreter.*

JOHN RULAND, *Sub-Agent.*

TH. ESTES.

GEO. Y. BRIGHT.

J. BRAND.

MAL. DETANDEBARAT.

GABRIEL G. CHOUTEAU.

HENRY P. CHOUTEAU.

FELIX ST. VRAIN.

G. P. CERRE.

ARTICLES of a Treaty, made and concluded at the Sault de St. Marie, in the Territory of Michigan, between The United States, by their Commissioner, Lewis Cass, and the Chippewa Tribe of Indians; the 16th of June, 1820.

ART. I. THE Chippewa Tribe of Indians cede to The United States the following tract of land: beginning at the Big Rock, in the River St. Mary's, on the Boundary Line between The United States and the British Province of Upper Canada; and, running thence, down the said River, with the middle thereof, to the Little Rapid; and from those points, running back from the said River, so as to include 16 square miles of land.

II. The Chippewa Tribe of Indians acknowledge to have received a quantity of goods in full satisfaction of the preceding Cession.

III. The United States will secure to the Indians a perpetual right of fishing at the Falls of St. Mary's, and also a place of encampment upon the tract hereby ceded, convenient to the fishing ground; which place shall not interfere with the defences of any military work which may be erected, nor with any private rights.

IV. This Treaty, after the same shall be ratified by the President of The United States, by and with the advice and consent of the Senate thereof, shall be obligatory on the Contracting Parties.

In witness whereof, the said Lewis Cass, Commissioner as aforesaid, and the Chiefs and Warriors of the said Chippewa Tribe of Indians, have hereunto set their hands, at the place aforesaid, this 16th day of June, in the Year of our Lord 1820.

[Marks of 16 Indian Chiefs and Warriors.]

Witnesses present:

R. A. FORSYTH, <i>Secretary.</i>	HENRY R. SCHOOLCRAFT, <i>Mineralogist to the Expedition.</i>
ALEX. WOLCOTT, Jr. <i>Indian Agent, Chicago.</i>	JAMES DUANE DOTY.
D. B. DOUGLASS, <i>Captain, United States' Engineers.</i>	CHARLES C. TROWBRIDGE,
ÆNEAS MACAY, <i>Lieutenant, Corps Artillery.</i>	ALEX. R. CHASE.
JOHN J. PIERCE, <i>Lieutenant, Artillery.</i>	JAMES RYLEY, <i>Sworn Interpreter,</i>

[The foregoing Treaty was Ratified on the 2d March, 1821.]

ARTICLES of a Treaty made and concluded at l'Arbre Croche and Michilimackinac, in the Territory of Michigan, between The United States of America, by their Commissioner, Lewis Cass, and the Ottawa and Chippewa Nations of Indians; the 6th July, 1820.

ART. I. The Ottawa and Chippewa Nations of Indians cede to The United States the Saint Martin Islands in Lake Huron, containing plaster of Paris, and to be located under the direction of The United States.

II. The Ottawa and Chippewa Nations of Indians acknowledge to have this day received a quantity of goods in full satisfaction of the above Cession.

III. This Treaty shall be obligatory on the Contracting Parties after the same shall be ratified by the President of The United States, by and with the advice and consent of the Senate thereof.

In testimony whereof, the said Lewis Cass, Commissioner as aforesaid, and the Chiefs and Warriors of the Ottawa and Chippewa Nations of Indians, have hereunto set their hands, at Michilimackinac and l'Arbre Croche, in the Territory of Michigan, this 6th day of July, in the year of our Lord 1820.

LEWIS CASS.

[Marks of 18 Ottawa Chiefs.]

[Marks of 2 Chippewa Chiefs.]

Witnesses present:

JED. MORSE, D. D.

H. G. GRAVENANT, *Sworn Interpreter.*

GILBERT KNAPP.

GEORGE BOYD, *Indian Agent.*

RICHARD C. MORSE.

[The foregoing Treaty was Ratified on the 8th of March, 1821.]

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JUST PUBLISHED, April, 1834,

By JAMES RIDGWAY, PICCADILLY;

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